

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-SEVENTH DAY

(Thursday, May 27, 2021)

The Senate met at 1:30 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

Senator Eckhardt offered the invocation as follows:

I was thinking the other day about faith tested. Faith in what? And tested how? I have faith that we are all part of God, that each of us belongs and has an important although not always pleasing contribution to a fuller experience of our humanity. Sometimes, embracing the full spectrum of the human experience is uncomfortable, provokes guilt, anguish, and distress over what and who belongs, even whether we belong, or whether we have been responsible for excluding our brothers and sisters from belonging. Our faith is tested. Because how strong is a faith that is never tested? Which reminded me of one of my favorite poems attributed to Sir Francis Drake in the late 1500s. But the words were put in SFD's mouth by an anonymous author hundreds of years later. Whoever the author was, he or she recognized the limits of her circle and laid aside her ego to launch this message on a vehicle of powerful historical symbolism. Let us pray with the famous and the anonymous: Disturb us, Lord, when we are too well pleased with ourselves, when our dreams have come true because we have dreamed too little, when we arrived safely because we sailed too close to the shore. Disturb us, Lord, when with the abundance of things we possess, we have lost our thirst and to push into the future in strength, courage, hope, and love.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

BILLS AND RESOLUTION SIGNED

The President announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

SB 4, SB 62, SB 109, SB 335, SB 403, SB 484, SB 678, SB 741, SB 783, SB 793, SB 797, SB 907, SB 938, SB 957, SB 1111, SB 1179, SB 1341, SB 1387, SB 1427, SB 1582, SB 1602, SB 1697, SB 1764, SB 1780, SB 2158, SCR 29.

SENATE RESOLUTION 325

Senator Zaffirini offered the following resolution:

SR 325, Recognizing Vince Ramirez for his contributions to the war on drugs.

The resolution was again read.

The resolution was previously adopted on Wednesday, April 28, 2021.

GUESTS PRESENTED

Senator Zaffirini, joined by Senators Hinojosa and Campbell, was recognized and introduced to the Senate Vince Ramirez, Sue Carey, John Powell, Thomas Ramirez, Ryan Vargas, Chris Ramirez, Rudy Rodriguez, Gilberto Rodriguez, Beto Camarillo, Lencho Rendon, and Leodoro Martinez.

The Senate welcomed its guests.

(President Pro Tempore Birdwell in Chair)**SENATE RESOLUTION 473**

Senator Schwertner offered the following resolution:

SR 473, Recognizing the Sam Houston State University football team for winning a national championship.

SCHWERTNER
MILES

The resolution was read.

On motion of Senator Lucio and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Schwertner, the resolution was adopted without objection.

GUESTS PRESENTED

Senator Schwertner, joined by Senators Miles, Lucio, and Campbell, was recognized and introduced to the Senate the Sam Houston State University football team including Brian McCall, Alisa White, Bobby Williams, K.C. Keeler, Eric Schmid, Joe Wallace, Ife Aday, Markel Perry, Trevor Williams, Ryan Humphries, and Reagan Henderson.

The Senate welcomed its guests.

SENATE RESOLUTION 490

Senator Hinojosa offered the following resolution:

SR 490, Recognizing the 2021 class of participants in the Rio Grande Valley Legislative Internship Program.

HINOJOSA
LUCIO
MENÉNDEZ
ZAFFIRINI

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa, joined by Senators Zaffirini, Lucio, Menéndez, and Whitmire, was recognized and introduced to the Senate the Rio Grande Valley Internship Program interns including Jenifer Velazquez, Alexandra Smith-Macias, Roy Cantu, Gilbert Rodriguez Jr. and Miguel Macias.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Paxton was recognized and introduced to the Senate Julia St. John and family members Jeffrey St. John, Carlene St. John, and Jennifer St. John.

The Senate welcomed its guests.

SENATE RESOLUTION 456

Senator Miles offered the following resolution:

WHEREAS, The University of Houston has provided the Texas Legislature with an impressive group of Fellows from its Hobby School of Public Affairs during the 87th Session; and

WHEREAS, The Hobby Fellowship program was launched in 2013 to give undergraduate students the opportunity to work as full-time interns in the Texas Capitol; each Fellow is assigned to the office of a state legislator and helps support its operations by attending meetings and hearings, interacting with constituents and other stakeholders, and carrying out a range of other functions; in addition to gaining valuable experience in the field of public service, they learn more about the legislative process and the issues facing citizens of the Lone Star State; and

WHEREAS, The dedicated students who have served as Hobby Fellows during the 87th Legislature are Christian Aguirre, Mary Brewster, Faye Germia, Phillip Gutierrez, Wasiq Javed, Matthew Lair, Miguel Macias, and Mike Negreros; and

WHEREAS, Through their hard work and commitment to excellence, the 2021 Hobby Fellows have rendered invaluable service to their respective legislative offices, and they are indeed deserving of special recognition for their efforts; now, therefore, be it

RESOLVED, That the Senate of the 87th Texas Legislature hereby commend the Fellows from the University of Houston Hobby School of Public Affairs for their outstanding contributions to the Texas Legislature and extend to them sincere best wishes for continued success in all their endeavors; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the 2021 Hobby Fellows as an expression of high regard by the Texas Senate.

MILES
ALVARADO
WHITMIRE

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Miles, joined by Senators Whitmire, Alvarado, and Bettencourt, was recognized and introduced to the Senate the 87th legislative Hobby Fellows including Christian Aguirre, Mary Brewster, Faye Germia, Phillip Gutierrez, Wasiq Javed, Matthew Lair, Miguel Macias, and Mike Negreros.

The Senate welcomed its guests.

SENATE BILL 1648 WITH HOUSE AMENDMENTS

Senator Perry called **SB 1648** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 1648** (house committee printing) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Sections 531.024164(b) and (f), Government Code, are amended to read as follows:

(b) The commission, as soon as practicable following a competitive request for proposal process, shall contract with one [an] independent external medical reviewer to conduct external medical reviews and review:

(1) the resolution of a Medicaid recipient appeal related to a reduction in or denial of services on the basis of medical necessity in the Medicaid managed care program; or

(2) a denial by the commission of eligibility for a Medicaid program in which eligibility is based on a Medicaid recipient's medical and functional needs.

(f) A Medicaid recipient or applicant, or the recipient's or applicant's parent or legally authorized representative, must affirmatively request an external medical review, except that the Medicaid managed care organization shall promptly forward to the external medical reviewer for external medical review any appeal determination that is adverse to the recipient or applicant in the STAR Health program. If requested or forwarded:

(1) an external medical review described by Subsection (b)(1) occurs after the internal Medicaid managed care organization appeal and before the Medicaid fair hearing and is granted when a Medicaid recipient contests the internal appeal decision of the Medicaid managed care organization; and

(2) an external medical review described by Subsection (b)(2) occurs after the eligibility denial and before the Medicaid fair hearing.

Floor Amendment No. 2

Amend **SB 1648** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 531, Government Code, is amended by adding Sections 531.0501, 531.0512, and 531.0605 to read as follows:

Sec. 531.0501. MEDICAID WAIVER PROGRAMS: INTEREST LIST MANAGEMENT. (a) The commission, in consultation with the Intellectual and Developmental Disability System Redesign Advisory Committee established under Section 534.053 and the STAR Kids Managed Care Advisory Committee, shall study the feasibility of creating an online portal for individuals to request to be placed and check the individual's placement on a Medicaid waiver program interest list. As part of the study, the commission shall determine the most cost-effective automated method for determining the level of need of an individual seeking services through a Medicaid waiver program.

(b) Not later than January 1, 2023, the commission shall prepare and submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over health and human services that summarizes the commission's findings and conclusions from the study.

(c) Subsections (a) and (b) and this subsection expire September 1, 2023.

(d) The commission shall develop a protocol in the office of the ombudsman to improve the capture and updating of contact information for an individual who contacts the office of the ombudsman regarding Medicaid waiver programs or services.

Sec. 531.0512. NOTIFICATION REGARDING CONSUMER DIRECTION MODEL. The commission shall:

(1) develop a procedure to:

(A) verify that a Medicaid recipient or the recipient's parent or legal guardian is informed regarding the consumer direction model and provided the option to choose to receive care under that model; and

(B) if the individual declines to receive care under the consumer direction model, document the declination; and

(2) ensure that each Medicaid managed care organization implements the procedure.

Sec. 531.0605. ADVANCING CARE FOR EXCEPTIONAL KIDS PILOT PROGRAM. (a) The commission shall collaborate with Medicaid managed care organizations and the STAR Kids Managed Care Advisory Committee to develop and implement a pilot program that is substantially similar to the program described by Section 3, Medicaid Services Investment and Accountability Act of 2019 (Pub. L. No. 116-16), to provide coordinated care through a health home to children with complex medical conditions.

(b) The commission shall seek guidance from the Centers for Medicare and Medicaid Services and the United States Department of Health and Human Services regarding the design of the program and, based on the guidance, may actively seek and apply for federal funding to implement the program.

(c) Not later than December 31, 2024, the commission shall prepare and submit a report to the legislature that includes:

(1) a summary of the commission's implementation of the pilot program;
and

(2) if the pilot program has been operating for a period sufficient to obtain necessary data, a summary of the commission's evaluation of the effect of the pilot program on the coordination of care for children with complex medical conditions and a recommendation as to whether the pilot program should be continued, expanded, or terminated.

(d) The pilot program terminates and this section expires September 1, 2025.

Floor Amendment No. 3

Amend **SB 1648** (house committee printing) as follows:

(1) On page 1, strike lines 9 through 11 and substitute the following:

SECTION 2. Section 533.038, Government Code, is amended by amending Subsections (a) and (g) and adding Subsections (g-1), (h), (i), and (j) to read as follows:

(a) In this section:[5]

(1) "Complex medical needs" means the condition of having multiple, significant chronic health problems that:

(A) affect multiple organ systems; and

(B) result in functional limitations, high health care needs or utilization, or the need for or use of medical technology.

(2) "Durable medical equipment" means equipment, including repair and replacement parts for the equipment and supplies and services related to the equipment, that:

(A) is primarily and customarily used to serve a medical purpose;

(B) is prescribed by a treating health care provider for medical necessity; and

(C) includes ventilators, infusion pumps, complex rehabilitation technology, prostheses, medical devices, and other medical equipment, supplies, and services prescribed by a treating health care provider.

(3) "Medicaid wrap-around benefit" means a Medicaid-covered service, including a pharmacy or medical benefit, that is provided to a recipient with both Medicaid and primary health benefit plan coverage when the recipient has exceeded the primary health benefit plan coverage limit or when the service is not covered by the primary health benefit plan issuer.

(4) "Specialty provider" means a an entity or another person that provides health-related goods or services to a recipient, including providers of medication, therapy services, and equipment, including durable medical equipment.

(2) On page 1, line 14, between "relationship" and "with", insert "at any time".

(3) On page 1, line 15, between "care" and "from", insert ", including equipment, supplies, and services necessary to provide that care,".

(4) On page 1, between lines 17 and 18, insert the following:

(g-1) The continuity of care required under Subsection (g) is guaranteed to all recipients, regardless of:

(1) whether the recipient:

(A) receives a Medicaid wrap-around benefit; or

(B) has Medicaid coverage only;

(2) the date the recipient enrolled in the managed care plan provided by the Medicaid managed care organization; or

(3) whether the provider is an in-network provider.

(5) On page 1, line 22, strike "offering the managed care plan".

(6) On page 1, line 23, between "shall" and "negotiate", insert "develop a simple, timely, and efficient process to".

(7) On page 2, between lines 8 and 9, insert the following:

(j) The cancellation of a contract between a Medicaid managed care organization and a specialty provider under which the provider agrees to provide in-network services to recipients does not void or otherwise affect that organization's duty under Subsection (g) to provide continuity of care to recipients with complex medical needs. In the event of cancellation, the recipient has the right to select the recipient's preferred specialty provider.

(8) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 1301.154, Insurance Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsections ~~[Subsection]~~ (b) and (c), Sections 1301.152 and 1301.153 do not extend an insurer's obligation to reimburse the terminated physician or provider or, if applicable, the insured at the preferred provider level of coverage for ongoing treatment of an insured after:

(1) the 90th day after the ~~[effective]~~ date of the end of the contract ~~[termination]~~; or

(2) if the insured has been diagnosed as having a terminal illness at the time of the termination, the expiration of the nine-month period after the effective date of the termination.

(c) If an insured is a Medicaid recipient with complex medical needs who receives Medicaid services through a Medicaid managed care organization under Chapter 533, Government Code, and who has established at any time a relationship with a specialty provider, including a provider of medications, durable medical equipment, services, or supplies or other specialty provider, an insurer's obligation to reimburse, in accordance with the applicable reimbursement methodology as specified in rules adopted by the Health and Human Services Commission, including 1 T.A.C. Section 353.4, the physician or provider or, if applicable, the insured, extends until a contract has been implemented under Section 533.038(g), Government Code.

SECTION _____. Section 1301.154, Insurance Code, as amended by this Act, applies only to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2022. A health benefit plan that is delivered, issued for delivery, or renewed before January 1, 2022, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Floor Amendment No. 4

Amend **SB 1648** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 32.054, Human Resources Code, is amended by adding Subsection (f) to read as follows:

(f) To prevent serious medical conditions and reduce emergency room visits necessitated by complications resulting from a lack of access to dental care, the commission shall provide medical assistance reimbursement for preventive dental services, including reimbursement for at least one preventive dental care visit per year, for an adult recipient with a disability who is enrolled in the STAR+PLUS Medicaid managed care program. This subsection does not apply to an adult recipient who is enrolled in the STAR+PLUS home and community-based services (HCBS) waiver program. This subsection may not be construed to reduce dental services available to persons with disabilities that are otherwise reimbursable under the medical assistance program.

Floor Amendment No. 5

Amend **SB 1648** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0611 to read as follows:

Sec. 32.0611. COMMUNITY ATTENDANT SERVICES: QUALITY INITIATIVES. (a) The commission shall develop a community care quality incentive payment program in consultation with one or more appropriate advisory committees established under Section 531.012, Government Code, under which quality initiatives could be implemented to improve quality outcomes for recipients. The program design must include proposed performance measures, estimated costs, potential savings, the method of finance, the payment structure for incentive payments, and any requirements for federal approval of the program.

(b) Not later than November 30, 2022, the commission shall submit a report to the relevant legislative committees that analyzes the feasibility of a community care quality incentive payment program.

(c) This section expires June 1, 2023.

Floor Amendment No. 1 on Third Reading

Amend **SB 1648** on third reading as follows:

(1) In the SECTION of the bill added on second reading by Floor Amendment No. 2 by Krause adding Section 531.0501(a), Government Code, between "most" and "cost-effective", insert "appropriate and".

(2) In the SECTION of the bill added on second reading by Floor Amendment No. 2 by Krause adding Section 531.0605(a), Government Code, strike "Medicaid managed care organizations and the STAR Kids Managed Care Advisory Committee".

and substitute "the STAR Kids Managed Care Advisory Committee, Medicaid recipients, family members of children with complex medical conditions, children's health care advocates, Medicaid managed care organizations, and other stakeholders".

Floor Amendment No. 2 on Third Reading

Amend **SB 1648** on third reading as follows:

Add the following language and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 531.024172(d), Government Code, is amended to read as follows:

(d) In implementing the electronic visit verification system:

(1) subject to Subsection (e), the executive commissioner shall adopt compliance standards for health care providers; and

(2) the commission shall ensure that:

(A) the information required to be reported by health care providers is standardized across managed care organizations that contract with the commission to provide health care services to Medicaid recipients and across commission programs;

(B) processes required by managed care organizations to retrospectively correct data are standardized and publicly accessible to health care providers; ~~and~~

(C) standardized processes are established for addressing the failure of a managed care organization to provide a timely authorization for delivering services necessary to ensure continuity of care; and

(D) a health care provider is allowed to:

(i) enter a variable schedule into the electronic visit verification system.

The amendments were read.

Senator Perry moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 1648** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Perry, Chair; Blanco, Kolkhorst, Schwertner, and Nelson.

SENATE BILL 794 WITH HOUSE AMENDMENT

Senator Campbell called **SB 794** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 794** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 140.011(a)(2), Local Government Code, is amended to read as follows:

(2) "Local government" means:

(A) a municipality adjacent to or with extraterritorial jurisdiction located within two miles of the boundary line of a United States military installation; and

(B) a county in which a United States military installation is wholly or partly located.

SECTION _____. The change in law made by this Act to Section 140.011(a)(2), Local Government Code, applies to the eligibility of a qualified local government to apply for a disabled veteran assistance payment beginning with the fiscal year of the local government that ends in the 2021 tax year.

The amendment was read.

Senator Campbell moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 794** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Campbell, Chair; Nelson, Hinojosa, Buckingham, and Blanco.

SENATE BILL 1816 WITH HOUSE AMENDMENTS

Senator Seliger called **SB 1816** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 1816** (house committee report) as follows:

(1) On page 3, line 25, strike "This" and substitute "Except as otherwise provided by this Act, this".

(2) Add the following appropriately numbered SECTIONS to the bill and renumber the SECTIONS of the bill accordingly:

SECTION _____. Effective September 1, 2022, Section 504.154(a), Transportation Code, is amended to read as follows:

(a) The board by rule shall allow a vehicle registered under Chapter 502 [described by Subsection (b)] to be equipped with a digital license plate that is placed on the rear of the vehicle in lieu of a physical license plate issued under this chapter. The rule must require the owner of a vehicle issued a digital license plate to obtain a physical license plate to be placed on the front of the vehicle unless the vehicle is of a class of vehicles that is not required to display two license plates, as provided by other law.

SECTION _____. Effective September 1, 2022, Section 504.154(b), Transportation Code, is repealed.

Floor Amendment No. 1 on Third Reading

Amend **SB 1816** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter G, Chapter 504, Transportation Code, is amended by adding Section 504.675 to read as follows:

Sec. 504.675. VETERANS EXPOSED TO OPEN BURN PITS. (a) The department shall issue specialty license plates to honor members of the United States armed forces who were exposed to open burn pits during their military service. The license plates must include:

- (1) the words "Burn Pits 360 Veterans Organization"; and
- (2) a depiction of the Burn Pits 360 nonprofit organization logo.

(b) After deduction of the department's administrative costs, the remainder of the fee for issuance of the license plates shall be deposited to the credit of the open burn pit registry fund established under Section 99.008, Health and Safety Code.

(c) Section 504.702 does not apply to a specialty license plate issued under this section.

SECTION _____. Chapter 99, Health and Safety Code, as added by Chapter 153 (**HB 306**), Acts of the 86th Legislature, Regular Session, 2019, is amended by adding Section 99.008 to read as follows:

Sec. 99.008. OPEN BURN PIT REGISTRY FUND. (a) The open burn pit registry fund is a special fund in the state treasury outside the general revenue fund. The fund is composed of:

- (1) money transferred to the fund at the direction of the legislature;
- (2) gifts and grants contributed to the fund;
- (3) the earnings of the fund; and
- (4) money deposited to the credit of the fund under Section 504.675,

Transportation Code.

(b) Money in the fund may be appropriated only to the department. The department may use the money only for the creation and maintenance of the open burn pit registry established under Section 99.003, except that the department may use the money for any other purpose of the department consistent with legislative appropriation of the money if the department finds that the registry is adequately funded and contributions to the fund exceed the amount necessary for the registry to be adequately funded.

The amendments were read.

Senator Seliger moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 1816** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Seliger, Chair; Nichols, Perry, Alvarado, and Hancock.

SENATE BILL 1164 WITH HOUSE AMENDMENT

Senator Campbell called **SB 1164** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED AN ACT

relating to the prosecution of the offense of sexual assault.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 22.011(b), Penal Code, is amended to read as follows:

(b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:

(1) the actor compels the other person to submit or participate by the use of physical force, violence, or coercion;

(2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat;

(3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;

(4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;

(5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;

(6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;

(7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;

(8) the actor is a public servant who coerces the other person to submit or participate;

(9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;

(10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser;

(11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code; ~~or~~

(12) the actor is a health care services provider who, in the course of performing an assisted reproduction procedure on the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material from that donor;

(13) the actor knows the other person is intoxicated by any substance such that the other person is incapable of appraising the nature of the act;

(14) the actor knows that the other person has withdrawn consent to the act and the actor persists in the act after consent is withdrawn;

(15) the actor is a coach or tutor who causes the other person to submit or participate by using the actor's power or influence to exploit the other person's dependency on the actor; or

(16) the actor is a caregiver hired to assist the other person with activities of daily life and causes the other person to submit or participate by exploiting the other person's dependency on the actor.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2021.

The amendment was read.

Senator Campbell moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 1164** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Campbell, Chair; Whitmire, Huffman, Hinojosa, and Nelson.

SENATE BILL 1776 WITH HOUSE AMENDMENTS

Senator Campbell called **SB 1776** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 1776** (house committee report) on page 4, between lines 12 and 13, by inserting the following appropriately lettered subsection:

() If, for a particular semester, fewer than 15 students at a high school campus of a school district or open-enrollment charter school register to enroll in a course required by this section, the district or school is not required to offer the course at that campus for that semester.

Floor Amendment No. 2

Amend **SB 1776** (house committee report) by striking Section 1 and substituting the following:

SECTION 1. Section 1.004, Education Code, is amended to read as follows:

Sec. 1.004. DISPLAY OF NATIONAL MOTTO AND FOUNDING DOCUMENTS BY PUBLIC ELEMENTARY OR SECONDARY SCHOOLS. (a) In this Section, "founding documents of the United States" means the:

- (1) United States Declaration of Independence;
- (2) United States Constitution; and,
- (3) essays 10 and 57 of the Federalist Papers.

(b) A public elementary or secondary school must ~~[or an institution of higher education as defined by Section 61.003 may]~~ display in a conspicuous place in each building of the school a durable poster or framed copy of the United States national motto, "In God We Trust," and the founding documents of the United States if the poster or copy is:

- (1) donated for display at the school; or
- (2) purchased from private donation and made available to the school ~~[in each classroom, auditorium, and cafeteria].~~

(c) A public elementary or secondary school may accept and use private donations for the purposes of Subsection (b).

Floor Amendment No. 3

Amend **SB 1776** (house committee report) as follows:

(1) On page 3, line 27 through page 4, line 1, strike "the posting of founding documents under Section 11.172" and substitute "the posting of the documents under Section 1.004"

Floor Amendment No. 4

Amend **SB 1776** (house committee report) on page 4, at the end of line 8, by inserting the following:

The State Board of Education shall by rule identify the essential knowledge and skills for the course.

Floor Amendment No. 5

Amend **SB 1776** (house committee report) on page 4, line 11, between "Constitution" and the underlined comma, by inserting "including the Tenth Amendment".

Floor Amendment No. 6

Amend **SB 1776** (house committee printing) on page 4, line 12, between "States" and the underlined period, by inserting:
, including a discussion of the reason behind the 3/5 compromise in the U.S. Constitution.

Floor Amendment No. 7

Amend **SB 1776** (house committee report) on page 4, line 12, between "States" and the underlined period, by inserting ", including the peaceful transfer of power".

Floor Amendment No. 1 on Third Reading

Amend **SB 1776** on third reading in SECTION 1 of the bill, in amended Section 1.04(a)(3), Education Code, by striking "57" and substituting "51".

Floor Amendment No. 2 on Third Reading

Amend **SB 1776** on third reading in SECTION 3 of the bill, in added Section 28.0111(b), Education Code, by striking "including the tenth amendment" and substituting ", including each amendment to that constitution".

Floor Amendment No. 3 on Third Reading

Amend **SB 1776** on third reading in SECTION 3 of the bill, in added Section 28.0111(b), Education Code, immediately before the underlined period, by inserting "and the Native Americans' influence on the founding principles and documents of the United States".

The amendments were read.

Senator Campbell moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 1776** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Campbell, Chair; Taylor, Hall, Hinojosa, and Alvarado.

SENATE BILL 153 WITH HOUSE AMENDMENT

Senator Perry called **SB 153** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED AN ACT

relating to the exclusion of certain payment processing services from the definition of "data processing service" for purposes of sales and use taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 4. Section 151.0035, Tax Code, is amended to read as follows:

Sec. 151.0035. "DATA PROCESSING SERVICE". (a) "Data processing service" includes:

(1) word processing, data entry, data retrieval, data search, information compilation, payroll and business accounting data production, and other computerized data and information storage or manipulation;

(2) the performance of a totalisator service with the use of computational equipment required by Subtitle A-1, Title 13, Occupations Code (Texas Racing Act); and

(3) ~~[, and other computerized data and information storage or manipulation. "Data processing service" also includes]~~ the use of a computer or computer time for data processing whether the processing is performed by the provider of the computer or computer time or by the purchaser or other beneficiary of the service.

(b) "Data processing service" does not include:

(1) the transcription of medical dictation by a medical transcriptionist;

(2) services exclusively to encrypt electronic payment information for acceptance onto a payment card network described by Subdivision (3)(E) to comply with standards set by the Payment Card Industry Security Standards Council; or

(3) settling of an electronic payment transaction by:

(A) a downstream payment processor or point of sale payment processor that routes electronic payment information to an entity described by Paragraph (C) or (E);

(B) a person who is engaged in the business of money transmission and required to obtain a license under Section 151.302(a), Finance Code;

(C) a federally insured financial institution, as defined by Section 201.101, Finance Code, that is organized under the laws of this state, another state, or the United States, or an affiliate of the institution;

(D) a person who has entered into a sponsorship agreement with an entity described by Paragraph (C) for the purpose of settling that entity's electronic payment transactions through a payment card network; or

(E) a payment card network that allows a person to accept a specific brand of debit or credit card by routing information and data to settle an electronic payment transaction.

(c) For purposes of Subsection (b)(3):

(1) "Downstream payment processor" means a person described by 7 T.A.C. Section 33.4(c), as that provision existed on January 1, 2021.

(2) "Point of sale payment processor" means a person described by 7 T.A.C. Section 33.4(d), as that provision existed on January 1, 2021.

(3) "Settling of an electronic payment transaction" means the authorization, clearing, or funding of a payment made by credit card, debit card, gift card, stored value card, electronic check, virtual currency, loyalty program currency such as points or miles, or a similar method. The term does not include charges by a marketplace provider, as that term is defined by Section 151.0242.

(d) "Data storage," as used in this section, does not include a classified advertisement, banner advertisement, vertical advertisement, or link when the item is displayed on an Internet website owned by another person.

SECTION 5. The changes in law made by this Act do not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

SECTION 6. This Act takes effect October 1, 2021.

The amendment was read.

Senator Perry moved to concur in the House amendment to **SB 153**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 155 WITH HOUSE AMENDMENTS

Senator Perry called **SB 155** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Amendment

A BILL TO BE ENTITLED AN ACT

relating to the use of information from the lists of noncitizens and nonresidents excused or disqualified from jury service.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 18.068(a), Election Code, is amended to read as follows:

(a) The secretary of state shall quarterly compare the information received under Section 16.001 of this code and Sections [Section] 62.113 and 62.114, Government Code, to the statewide computerized voter registration list. If the secretary determines that a voter on the registration list is deceased or has been excused or disqualified from jury service because the voter is not a citizen or a resident of the county in which the voter is registered to vote, the secretary shall send notice of the determination to:

(1) the voter registrar of the counties considered appropriate by the secretary; and

(2) the attorney general, who shall quarterly review the information to investigate whether a person has committed an offense under Section 13.007 or other law.

SECTION 2. Section 62.113(b), Government Code, is amended to read as follows:

(b) On the third business day of each month, the clerk shall send a copy of the list of persons excused or disqualified because of citizenship in the previous month to:

(1) the voter registrar of the county;

(2) the secretary of state; and

(3) the attorney general and the county or district attorney~~[, as applicable,]~~ for an investigation of whether the person committed an offense under Section 13.007, Election Code, or other law.

SECTION 3. Sections 62.114(b) and (c), Government Code, are amended to read as follows:

(b) On the third business day of each month, the clerk shall send ~~[to the voter registrar of the county]~~ a copy of the list of persons excused or disqualified in the previous month because the persons do not reside in the county to:

(1) the voter registrar of the county;

(2) the secretary of state; and

(3) the attorney general and the county or district attorney for an investigation of whether the person committed an offense under Section 13.007, Election Code, or other law.

(c) A list compiled under this section may not be used for a purpose other than a purpose described by Subsection (b) or Section 15.081 or 18.068, Election Code.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

Floor Amendment No. 1

Amend **SB 155** (house committee printing) as follows:

(1) On page 1, strike lines 5 and 6 and substitute the following:

SECTION 1. Section 18.068, Election Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(2) On page 1, between lines 19 and 20, insert the following:

(a-1) The secretary of state is not required to send notice under Subsection (a) for a voter who is subject to an exemption from jury service under Section 62.106, Government Code.

The amendments were read.

Senator Perry moved to concur in the House amendments to **SB 155**.

The motion prevailed by the following vote: Yeas 18, Nays 13.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

SENATE BILL 157 WITH HOUSE AMENDMENT

Senator Perry called **SB 157** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 157** (house committee printing) as follows:

- (1) On page 2, line 9, strike "or".
- (2) On page 2, line 11, strike the underlined period and substitute "; or".
- (3) On page 2, between lines 11 and 12, insert the following:

(3) a district created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, with a population of less than 25,000.

The amendment was read.

Senator Perry moved to concur in the House amendment to **SB 157**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 160 WITH HOUSE AMENDMENT

Senator Perry called **SB 160** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED AN ACT

relating to county road reports.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 251.005 and 251.018, Transportation Code, are repealed.

SECTION 2. Section 252.006(e), Transportation Code, is amended to read as follows:

(e) An ex officio road commissioner has the duties of a supervisor of public roads as provided by Section ~~Sections~~ 251.004 ~~and 251.005~~.

SECTION 3. Section 256.104(a), Transportation Code, is amended to read as follows:

(a) In applying for a grant under this subchapter, the county shall:

~~[(1) provide the road condition report described by Section 251.018 made by the county for the previous year; and~~

~~[(2)]~~ submit to the department a plan that:

~~(1) [(A)]~~ provides a list of transportation infrastructure projects to be funded by the grant;

~~(2) [(B)]~~ describes the scope of the transportation infrastructure project or projects to be funded by the grant using best practices for prioritizing the projects;

~~(3) [(C)]~~ provides for matching funds as required by Section 256.105; and

~~(4) [(D)]~~ meets any other requirements imposed by the department.

SECTION 4. Section 256.106(a), Transportation Code, is amended to read as follows:

(a) A county that makes a second or subsequent application for a grant from the department under this subchapter must:

(1) ~~[provide the department with a copy of a report filed under Section 251.018;~~

~~[(2)]~~ certify that all previous grants are being spent in accordance with the plan submitted under Section 256.104; and

~~(2) [(3)]~~ provide an accounting of how previous grants were spent, including any amounts spent on administrative costs.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

The amendment was read.

Senator Perry moved to concur in the House amendment to **SB 160**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 224 WITH HOUSE AMENDMENT

Senator Perry called **SB 224** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1 on Third Reading

Amend **SB 224** on third reading as follows:

(1) On page 2, line 5, strike "and".

(2) On page 2, between lines 5 and 6, insert the following:

(2) has no earned income; and

(3) On page 2, line 6, strike "(2)" and substitute "(3)".

(4) Strike page 2, line 25, through page 3, line 2, and substitute the following:
federal law, use data matching to inform eligible individuals described by this section who are receiving Medicaid benefits of their eligibility for supplemental nutrition assistance program benefits.

The amendment was read.

Senator Perry moved to concur in the House amendment to **SB 224**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 901 WITH HOUSE AMENDMENT

Senator Perry called **SB 901** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 901** (house committee printing) as follows:

(1) Strike page 1, line 18.

(2) On page 2, line 1, between "year" and the period, insert the following:

; or

(6) a county with a population of more than 40,000 and less than 300,000 that is adjacent to a county described by Subdivision (4)

The amendment was read.

Senator Perry moved to concur in the House amendment to **SB 901**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 904 WITH HOUSE AMENDMENT

Senator Perry called **SB 904** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 904** (house committee printing) on page 2, lines 16-17, by striking "risk associated with increasing" and substituting "risks and benefits associated with".

The amendment was read.

Senator Perry moved to concur in the House amendment to **SB 904**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 906 WITH HOUSE AMENDMENT

Senator Perry called **SB 906** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED AN ACT

relating to the civil commitment of sexually violent predators.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 62.055, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (j) to read as follows:

(a) If a person, other than a person described by Subsection (j), required to register under this chapter intends to change address, regardless of whether the person intends to move to another state, the person shall, not later than the seventh day before the intended change, report in person to the local law enforcement authority designated as the person's primary registration authority by the department and to the juvenile probation officer, community supervision and corrections department officer, or parole officer supervising the person and provide the authority and the officer with the person's anticipated move date and new address. If a person, other than a person described by Subsection (j), required to register changes address, the person shall, not later than the later of the seventh day after changing the address or the first date the applicable local law enforcement authority by policy allows the person to report,

report in person to the local law enforcement authority in the municipality or county in which the person's new residence is located and provide the authority with proof of identity and proof of residence.

(j) The Texas Civil Commitment Office shall report a change in address to each local law enforcement authority serving as the current or proposed primary registration authority for a person required to register under this chapter who is:

(1) civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code; and

(2) required to reside in a location other than a civil commitment center by:

(A) a court under Chapter 574, Health and Safety Code; or

(B) the Texas Civil Commitment Office.

SECTION 2. Section 841.041, Health and Safety Code, is amended to read as follows:

Sec. 841.041. PETITION ALLEGING PREDATOR STATUS. (a) If a person is referred to the attorney representing the state under Section 841.023, the attorney may file ~~in the court of conviction for the person's most recent sexually violent offense,~~ a petition alleging that the person is a sexually violent predator and stating facts sufficient to support the allegation.

(b) A petition described by Subsection (a) must be:

(1) filed in a district court in the county of the person's most recent conviction for a sexually violent offense;

(2) filed not later than the 90th day after the date the person is referred to the attorney representing the state; and

(3) ~~(2)~~ served on the person as soon as practicable after the date the petition is filed.

(c) To the extent feasible, in filing the petition in a district court described by Subsection (b)(1), the attorney representing the state shall give preference to filing the petition in the applicable court of conviction.

SECTION 3. Section 841.061, Health and Safety Code, is amended by amending Subsections (a), (c), (d), and (f) and adding Subsection (h) to read as follows:

(a) The judge shall commence ~~conduct~~ a trial to determine whether the person is a sexually violent predator:

(1) except as provided by Section 841.063, not later than the 270th day after the date a petition is served on the person under Section 841.041; and

(2) not later than the person's sentence discharge date unless the judge determines that a delay is necessary in the due administration of justice.

(c) The person and the state are each entitled to an immediate clinical interview ~~examination~~ of the person by an expert. All components of the clinical interview ~~examination~~ must be completed not later than the 90th day before the date the trial begins.

(d) Additional rights of the person at the trial include the following:

(1) the right to appear at the trial;

(2) the right to waive the right to appear at the trial and appear through the person's attorney;

(3) except as provided by Subsection (f), the right to present evidence on the person's behalf;

(4) ~~(3)~~ the right to cross-examine a witness who testifies against the person; and

(5) ~~(4)~~ the right to view and copy all petitions and reports in the court file.

(f) A person who is on trial to determine the person's status as a sexually violent predator is required to submit to all expert clinical interviews ~~[examinations]~~ that are required or permitted of the state to prepare for the person's trial. A person who fails to submit to a clinical interview ~~[expert examination]~~ on the state's behalf as required by this subsection is subject to the following consequences:

(1) the person's failure to participate may be used as evidence against the person at trial;

(2) the person may be prohibited from offering into evidence the results of a clinical interview ~~[an expert examination]~~ performed on the person's behalf; and

(3) the person may be subject to contempt proceedings if the person violates a court order by failing to submit to a clinical interview ~~[an expert examination]~~ on the state's behalf.

(h) Notwithstanding any other provision in this subchapter, the person may appear at the trial through the use of remote technology, including teleconference and videoconference technology.

SECTION 4. Section 841.062, Health and Safety Code, is amended to read as follows:

Sec. 841.062. DETERMINATION OF PREDATOR STATUS. (a) The judge or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. Either the state or the person is entitled to appeal the determination and to a retrial if an appellate court remands the case to the trial court for a new trial.

(b) A jury determination in a civil commitment proceeding ~~[that the person is a sexually violent predator]~~ must be by unanimous verdict. If one or two of the 12 jurors have been discharged and there are no alternate jurors to be seated, the remaining jurors may render a verdict. If fewer than 12 jurors render a verdict, the verdict must be signed by each juror rendering the verdict.

SECTION 5. Section 841.063(b), Health and Safety Code, is amended to read as follows:

(b) The judge may not continue a trial conducted under this chapter to a date occurring later than the person's sentence discharge date unless the judge determines that a continuance is necessary in the due administration of justice.

SECTION 6. Section 841.064, Health and Safety Code, is amended to read as follows:

Sec. 841.064. RETRIAL ~~[MISTRIAL]~~. (a) A trial following a mistrial must commence ~~[begin]~~ not later than the 90th day after the date a mistrial was declared in the previous trial, unless the later trial is continued as provided by Section 841.063.

(b) If an appellate court remands the case to the trial court for a new trial, the judge shall commence the retrial not later than the 90th day after the date the appellate court remanded the case. The retrial may be continued as provided by Section 841.063.

SECTION 7. Sections 841.0834(b) and (d), Health and Safety Code, are amended to read as follows:

(b) Without the office's approval, a committed person may file a petition with the court for transfer to less restrictive housing and supervision. The court shall grant the transfer if the court determines that the transfer is in the best interests of the person and conditions can be imposed that adequately protect the community. A committed person who files a petition under this subsection shall serve a copy of the petition on the office.

(d) Not later than the 90th day after the date a [A] committed person is returned to a more restrictive setting under Subsection (c), the committing court shall hold a hearing via videoconference to [is entitled to file a petition with the court seeking] review [of] the office's determination. The court shall order the office to transfer the person to less restrictive housing and supervision only if the court determines by clear and convincing evidence that the office's determination was not made in accordance with Subsection (c). The committed person may waive the right to a hearing under this subsection.

SECTION 8. Section 841.0837, Health and Safety Code, is amended to read as follows:

Sec. 841.0837. EMERGENCY DETENTION ORDER. ~~The [(a) In this section, "peace officer" has the meaning assigned by Article 2.12, Code of Criminal Procedure.~~

~~[(b) For the purpose of returning a committed person to a more restrictive setting following a transfer to less restrictive housing and supervision under Section 841.0834 or a release under Section 841.0836, the] office may issue an emergency detention order for a committed [the] person's immediate apprehension and transportation to an office-designated [a] location for the purpose of:~~

(1) returning the person to a more restrictive setting following:

(A) a transfer to less restrictive housing and supervision under Section 841.0834; or

(B) a release under Section 841.0836; or

(2) for a recently committed person who is not in the custody of the Texas Department of Criminal Justice at the time the commitment order is entered, bringing the person under the supervision of [designated by] the office.

SECTION 9. Section 841.084, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) A committed person, on request, shall provide to the office any financial records or other information regarding the person's income, assets, and expenses to assist the office in determining whether the person is indigent for purposes of this section.

SECTION 10. Section 841.146(a), Health and Safety Code, is amended to read as follows:

(a) On request, a person subject to a civil commitment proceeding under this chapter and the attorney representing the state are entitled to a jury trial or a hearing before a jury for that proceeding, except for a proceeding set by the judge under Section 841.102(c)(1). The jury shall consist of 12 qualified jurors. The judge may direct that not more than four jurors in addition to the regular jury be called and

impaneled to sit as alternate jurors. Each party is entitled to 10 peremptory challenges to the 12 qualified jurors and one peremptory challenge to the qualified alternate jurors ~~[The number and selection of jurors are governed by Chapter 33, Code of Criminal Procedure].~~

SECTION 11. Section 841.151, Health and Safety Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) Except as provided by Subsection (c-1), as [As] soon as practicable before, but not later than the third business day preceding, the date a correctional facility, secure correctional facility, or secure detention facility releases a person who, at the time of the person's detention or confinement, was civilly committed under this chapter as a sexually violent predator, the facility shall notify the office and the person's case manager in writing of the anticipated date and time of the person's release.

(c-1) Subsection (c) does not apply with respect to a person whom a court orders to be immediately released from a correctional facility, secure correctional facility, or secure detention facility.

SECTION 12. Section 841.0834(e), Health and Safety Code, is repealed.

SECTION 13. (a) Except as otherwise provided by this section, the changes in law made by this Act to Chapter 841, Health and Safety Code, apply to a civil commitment proceeding under that chapter that is initiated on or after the effective date of this Act, regardless of when the applicable petition for civil commitment was filed.

(b) Section 841.0834, Health and Safety Code, as amended by this Act, applies only to a petition for transfer that is filed or to a return to a more restrictive setting that occurs on or after the effective date of this Act. A petition filed or a return that occurs before the effective date of this Act is governed by the law in effect on the date the petition was filed or the return occurred, and the former law is continued in effect for that purpose.

(c) Section 841.151, Health and Safety Code, as amended by this Act, applies only to the release of a committed person that occurs on or after the effective date of this Act. The release of a committed person that occurs before the effective date of this Act is governed by the law in effect on the date the person was released, and the former law is continued in effect for that purpose.

SECTION 14. This Act takes effect September 1, 2021.

The amendment was read.

Senator Perry moved to concur in the House amendment to **SB 906**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 282 WITH HOUSE AMENDMENTS

Senator Alvarado called **SB 282** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 282** (house committee printing) on page 1 of the bill by striking lines 14 through 19 and substituting the following:

to settle or otherwise pay a sexual harassment claim made against a person who:

(1) is an elected member of the executive, legislative, or judicial branch of state government;

(2) is appointed by the governor to serve as a member of a department, commission, board, or other public office within the executive, legislative, or judicial branch of state government; or

(3) serves as staff for a person described by Subdivision (1) or (2).

Floor Amendment No. 1 on Third Reading

Amend **SB 282** (house committee printing) on third reading by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 180, Local Government Code, is amended by adding Section 180.008 to read as follows:

Sec. 180.008. PROHIBITION ON USE OF PUBLIC MONEY TO SETTLE OR PAY SEXUAL HARASSMENT CLAIMS. (a) In this section, "political subdivision" means a county, municipality, school district, other special district, or other subdivision of state government.

(b) A political subdivision may not use public money to settle or otherwise pay a sexual harassment claim made against a person who is:

(1) an elected or appointed member of the governing body of the political subdivision; or

(2) an officer or employee of the political subdivision.

SECTION _____. Section 12.1058(a), Education Code, is amended to read as follows:

(a) An open-enrollment charter school is considered to be:

(1) a local government for purposes of Chapter 791, Government Code;

(2) a local government for purposes of Chapter 2259, Government Code, except that an open-enrollment charter school may not issue public securities as provided by Section 2259.031(b), Government Code;

(3) a political subdivision for purposes of Chapter 172, Local Government Code; ~~and~~

(4) a local governmental entity for purposes of Subchapter I, Chapter 271, Local Government Code; ~~and~~

(5) a political subdivision for purposes of Section 180.008, Local Government Code.

The amendments were read.

Senator Alvarado moved to concur in the House amendments to **SB 282**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 73 WITH HOUSE AMENDMENTS

Senator Miles called **SB 73** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 73** (house committee printing) as follows:

- (1) On page 1, line 6, strike "(3-b)".
- (2) On page 1, strike lines 8 through 10.
- (3) On page 1, line 11, strike "(3)" and substitute "(2)".
- (4) On page 1, line 14, strike "(3-a)" and substitute "(3)".
- (5) On page 1, line 16, strike "(3-b)" and substitute "(3-a)".
- (6) On page 2, lines 2 through 4, strike ", including a health service regional office acting in the capacity of a local public health entity,".
- (7) On page 2, lines 17 through 19, strike "or a health service regional office acting in the capacity of a local public health entity in a public health region".

Floor Amendment No. 2

Amend **SB 73** (house committee printing) on page 3, line 25, by striking "2022" and substituting "2021".

The amendments were read.

Senator Miles moved to concur in the House amendments to **SB 73**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 181 WITH HOUSE AMENDMENTS

Senator Johnson called **SB 181** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Amendment

A BILL TO BE ENTITLED
AN ACT

relating to suspension of a driver's license for persons convicted of certain offenses and the educational program required for reinstatement of a license following certain convictions; authorizing a fine.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. DISCRETIONARY LICENSE SUSPENSION

SECTION 1.01. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.0179 to read as follows:

Art. 102.0179. FINE FOR CERTAIN DRUG AND TEXAS CONTROLLED SUBSTANCE ACT CONVICTIONS. (a) In this article, "convicted" includes an adjudication under juvenile proceedings.

(b) In addition to any other fees and fines imposed under this subchapter, a defendant convicted of an offense described by Section 521.372(a), Transportation Code, who holds a valid driver's license on the date the order of conviction is entered shall pay a fine of \$100.

(c) The court shall waive imposition of a fine under this article if the defendant's driver's license is suspended under Section 521.372, Transportation Code, or under another provision of that code as a result of the conviction of:

(1) an offense described by Section 521.372(a), Transportation Code; or

(2) another offense arising from the same criminal episode.

(d) A fine imposed under this article is due regardless of whether the defendant is granted community supervision in the case. The court shall collect the fine under this article in the same manner as court costs are collected in the case.

(e) A fine collected under this article shall be deposited to the credit of the Texas mobility fund.

SECTION 1.02. The heading to Subchapter P, Chapter 521, Transportation Code, is amended to read as follows:

SUBCHAPTER P. ~~[AUTOMATIC]~~ SUSPENSION FOR CERTAIN DRUG
OFFENSES

SECTION 1.03. Section 521.372, Transportation Code, is amended to read as follows:

Sec. 521.372. ~~[AUTOMATIC]~~ SUSPENSION ~~OR~~~~;~~ LICENSE DENIAL. (a) A person's driver's license is automatically suspended on final conviction of:

(1) an offense under the Controlled Substances Act;

(2) a felony drug offense; ~~[or]~~

(3) a misdemeanor drug offense, if the person has been previously convicted of a drug offense committed less than 36 months before the commission of the instant offense; or

(4) a felony under Chapter 481, Health and Safety Code, that is not a drug offense.

(b) The department may not issue a driver's license to a person convicted of an offense specified in Subsection (a) who, on the date of the conviction, did not hold a driver's license.

(b-1) Except as provided by Subsection (a)(3), the court may order that the department suspend the license of a person who holds a license at the time of final conviction of a misdemeanor drug offense if the court makes a written determination that the suspension is in the interest of public safety.

(c) Except as provided by Section 521.374(b), the period of suspension or license denial under this section is 90 ~~[the 180]~~ days after the date of a final conviction~~], and the period of license denial is the 180 days after the date the person applies to the department for reinstatement or issuance of a driver's license~~.

ARTICLE 2. EDUCATIONAL PROGRAMS

SECTION 2.01. Section 521.374(a), Transportation Code, as amended by Chapters 838 (S.B. 202), 851 (S.B. 1070), and 1004 (H.B. 642), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(a) A person whose license is suspended under Section 521.372 may:

(1) successfully complete ~~[attend]~~ an in-person or online educational program, approved by the Texas Department of Licensing and Regulation ~~[Department of State Health Services]~~ under rules adopted by the Texas Commission of Licensing and Regulation ~~[executive commissioner of the Health and Human Services Commission]~~ and the department, that is designed to educate persons on the dangers of drug abuse; or

(2) successfully complete education on the dangers of drug abuse approved by the Department of State Health Services as equivalent to the educational program described by Subdivision (1), while the person is a resident of a facility for the treatment of drug abuse or chemical dependency, including:

(A) a substance abuse treatment facility or substance abuse felony punishment facility operated by the Texas Department of Criminal Justice under Section 493.009, Government Code;

(B) a community corrections facility, as defined by Section 509.001, Government Code; or

(C) a chemical dependency treatment facility licensed under Chapter 464, Health and Safety Code.

SECTION 2.02. Section 521.374(b), Transportation Code, is amended to read as follows:

(b) The period of suspension or prohibition under Section 521.372(c) continues until the earlier of:

(1) the date [for an indefinite period until] the individual successfully completes the in-person or online educational program under Subsection (a)(1) or is released from the residential treatment facility at which the individual successfully completed equivalent education under Subsection (a)(2), as applicable; or

(2) the second anniversary of the date the suspension or prohibition was imposed.

SECTION 2.03. Section 521.375, Transportation Code, as amended by Chapters 838 (S.B. 202) and 851 (S.B. 1070), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

Sec. 521.375. JOINT ADOPTION OF RULES. (a) The Texas Commission of Licensing and Regulation and the department shall jointly adopt rules for the qualification and approval of providers of in-person and online educational programs under Section 521.374(a)(1) ~~[521.374]~~.

(a-1) The executive commissioner of the Health and Human Services Commission and the department shall jointly adopt rules for the qualification and approval of:

~~[(1) providers of educational programs under Section 521.374(a)(1); and~~
~~[(2)]~~ equivalent education provided in a residential treatment facility described by Section 521.374(a)(2).

(b) The Texas Department of Licensing and Regulation shall publish the jointly adopted rules under Subsection (a).

(c) The Department of State Health Services shall publish the jointly adopted rules under Subsection (a-1).

SECTION 2.04. Section 521.376, Transportation Code, as amended by Chapters 838 (S.B. 202) and 851 (S.B. 1070), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

Sec. 521.376. DUTIES OF TEXAS DEPARTMENT OF LICENSING AND REGULATION AND DEPARTMENT OF STATE HEALTH SERVICES; APPLICATION AND RENEWAL FEES. (a) The Texas Department of Licensing and Regulation:

(1) shall monitor, coordinate, and provide training to persons who provide in-person and online educational programs under Section 521.374(a)(1) ~~[521.374]~~;

(2) shall administer the approval of those in-person and online educational programs; and

(3) may charge a nonrefundable application fee to the provider of an in-person or online educational program under Section 521.374(a)(1) for:

(A) initial certification of approval; and

(B) renewal of the certification.

(b) The Department of State Health Services:

(1) shall monitor, coordinate, and provide training to[~~—~~

~~[(A) persons who provide educational programs under Section 521.374(a)(1); and~~

~~[(B) residential treatment facilities described by Section 521.374(a)(2) providing equivalent education; and~~

(2) shall administer the approval of the ~~[educational programs and the]~~ equivalent education provided in a residential treatment facility[~~—~~and

~~[(3) may charge a nonrefundable application fee to the provider of an educational program under Section 521.374(a)(1) for:~~

~~[(A) initial certification of approval; and~~

~~[(B) renewal of the certification].~~

ARTICLE 3. TRANSITION; EFFECTIVE DATE

SECTION 3.01. Not later than September 1, 2022, the Texas Commission of Licensing and Regulation and the Department of Public Safety shall adopt rules to implement Sections 521.374, 521.375, and 521.376, Transportation Code, as amended by this Act.

SECTION 3.02. (a) Except as otherwise provided by this section, this Act takes effect September 1, 2021.

(b) Article 1 of this Act takes effect on the 91st day after the date the office of the attorney general publishes in the Texas Register a finding that:

(1) the legislature of this state has adopted a resolution expressing the legislature's opposition to a law meeting the requirements of 23 U.S.C. Section 159 in suspending, revoking, or denying the driver's license of a person convicted of a drug offense for a period of six months;

(2) the governor has submitted to the United States secretary of transportation:

(A) a written certification of the governor's opposition to the enactment or enforcement of a law required under 23 U.S.C. Section 159; and

(B) a written certification that the legislature has adopted the resolution described by Subdivision (1) of this subsection; and

(3) the United States secretary of transportation has responded to the governor's submission and certified that highway funds will not be withheld from this state in response to the modification or full or partial repeal of the law required under 23 U.S.C. Section 159.

(c) On the 180th day after the date described in Subsection (b) of this section, the Department of Public Safety shall reinstate any driver's license that:

(1) was suspended under Section 521.372, Transportation Code, before the date described by Subsection (b) of this section; and

(2) remains subject to suspension under that section on the 180th day after the date described in Subsection (b) of this section.

Floor Amendment No. 1

Amend **CSSB 181** (house committee printing), on page 1, by striking lines 15-17 and substituting the following:

this subchapter, a defendant convicted of a misdemeanor drug offense as defined by Section 521.371, Transportation Code, whose driver's license is not suspended under Section 521.372, Transportation Code, as a result of that conviction, shall pay a

Floor Amendment No. 2

Amend **CSSB 181** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 3, Chapter 710 (**HB 162**), Acts of the 86th Legislature, Regular Session, 2019, is repealed.

(b) Section 521.293, Transportation Code, as amended by Chapter 710 (**HB 162**), Acts of the 86th Legislature, Regular Session, 2019, applies to a determination to suspend a driver's license that is made by the Department of Public Safety of the State of Texas before, on, or after the effective date of this Act.

The amendments were read.

Senator Johnson moved to concur in the House amendments to **SB 181**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 709 WITH HOUSE AMENDMENT

Senator Hall called **SB 709** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED AN ACT

relating to the continuation and functions of the Texas Commission on Fire Protection.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 419.003, Government Code, is amended to read as follows:

Sec. 419.003. SUNSET PROVISION. The Texas Commission on Fire Protection is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished ~~[and this chapter expires]~~ September 1, ~~2033~~ [2024].

SECTION 2. Section 419.004(d), Government Code, is amended to read as follows:

(d) Appointments to the commission shall be made without regard to the race, color, disability ~~[handicap]~~, sex, religion, age, or national origin of the appointees.

SECTION 3. Section 419.0071, Government Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) The training program must provide the person with information regarding:

(1) the law governing ~~[legislation that created the]~~ commission operations;

(2) the programs, functions, rules, and budget of the commission;

(3) the scope of and limitations on the rulemaking authority of the commission;

(4) the results of the most recent formal audit of the commission;

(5) ~~(4)~~ the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest; and

(B) other laws applicable to members of a state policy-making body in performing their duties; and

(6) ~~(5)~~ any applicable ethics policies adopted by the commission or the Texas Ethics Commission.

(d) The executive director of the commission shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each member of the commission. Each member of the commission shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

SECTION 4. Section 419.008(f), Government Code, is amended to read as follows:

(f) The commission may appoint advisory committees to assist it in the performance of its duties. A member of an advisory committee appointed by the commission or otherwise appointed under this chapter may not receive compensation for service on the advisory committee. A member appointed under this chapter is entitled to receive reimbursement, subject to any applicable limitation on reimbursement provided by the General Appropriations Act, for actual and necessary expenses incurred in performing services as a member of the advisory committee. Members appointed under this chapter shall serve six-year staggered terms but may not be appointed to more than two consecutive terms.

SECTION 5. Section 419.011(c), Government Code, is amended to read as follows:

(c) The commission shall periodically notify the complaint parties of the status of the complaint until final disposition unless the notice would jeopardize an investigation.

SECTION 6. Sections 419.026(a) and (d), Government Code, are amended to read as follows:

(a) The commission shall set and collect a fee for each certificate that the commission issues or renews under this subchapter, except that if a person holds more than one certificate the commission may collect only one fee ~~[each year]~~ for the renewal of those certificates. The commission by rule shall set the amount of the fee under this subsection in an amount designed to recover the commission's costs in connection with issuing certificates under this subchapter, including the cost to the commission of obtaining fingerprint-based criminal history record information under Section 419.0325. The employing agency or entity shall pay the fee in the manner prescribed by commission rule. A certificate issued under this subchapter is valid for one or two years as determined by commission rule ~~[The certificate must be renewed annually].~~

(d) The commission shall send the fees authorized by Subsection (a) and Section 419.033(b) to the comptroller. The comptroller shall deposit ~~[a portion of the fees collected into a special account in the general revenue fund dedicated for use by the commission. In any state fiscal biennium, the comptroller may not deposit into the account fees in an amount that exceeds the amount appropriated to the commission for that biennium, less any other amount appropriated to the commission from a source other than the fees. The account is exempt from the application of Section 403.095. The comptroller shall deposit the remainder of]~~ the fees in the general revenue fund.

SECTION 7. Subchapter B, Chapter 419, Government Code, is amended by adding Section 419.0265 to read as follows:

Sec. 419.0265. RECIPROCITY. (a) The commission may waive any prerequisite to obtaining a certificate under this subchapter for an applicant who holds a license or certificate issued by another jurisdiction:

(1) that has licensing or certification requirements substantially equivalent to those of this state; or

(2) with which this state has a reciprocity agreement.

(b) The commission may make an agreement with another state to allow for certification by reciprocity.

SECTION 8. Section 419.032(c), Government Code, is amended to read as follows:

(c) Fire protection personnel who receive temporary or probationary appointment and who fail to satisfactorily complete a basic course in fire protection, as prescribed by the commission, before one year after the date of the original appointment forfeit, and shall be removed from, the position. A temporary or probationary appointment may not be extended beyond one year by renewal of appointment or otherwise, except that on petition of a fire department one year or more after the date of the forfeiture and removal, the commission may reinstate the person's temporary or probationary employment. Fire protection personnel must complete a commission-approved training course in fire suppression before being assigned full-time to fire suppression duties. The commission may, on application by a fire department ~~[and after receiving the comments and advice of the fire fighter~~

~~advisory committee~~], extend from one year to a period not to exceed two years the time allowed for fire protection personnel receiving a temporary or probationary appointment to successfully complete a basic course in fire protection.

SECTION 9. Sections 419.008(e), 419.0082, and 419.023, Government Code, are repealed.

SECTION 10. (a) Except as provided by Subsection (b) of this section, Section 419.0071, Government Code, as amended by this Act, applies to a member of the Texas Commission on Fire Protection appointed before, on, or after the effective date of this Act.

(b) A member of the Texas Commission on Fire Protection who, before the effective date of this Act, completed the training program required by Section 419.0071, Government Code, as the applicable law existed before the effective date of this Act, is required to complete additional training only on the subjects added by this Act to the training program required by Section 419.0071, Government Code. A member described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission held on or after December 1, 2021, until the member completes the additional training.

SECTION 11. This Act takes effect September 1, 2021.

The amendment was read.

Senator Hall moved to concur in the House amendment to **SB 709**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 900 WITH HOUSE AMENDMENTS

Senator Alvarado called **SB 900** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Amendment

A BILL TO BE ENTITLED AN ACT

relating to the safety of storage vessels.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 26.341(b), Water Code, is amended to read as follows:

(b) The legislature declares that it is the policy of this state and the purpose of this subchapter to:

(1) maintain and protect the quality of groundwater and surface water resources in the state from certain substances in underground and aboveground storage tanks that may pollute groundwater and surface water resources;

(2) require the use of all reasonable methods, including risk-based corrective action, to implement this policy; and

(3) promote the safety of storage vessels as defined in Section 26.3442, by adopting requirements for the design, construction, operation, and maintenance of storage vessels, with the objective of protecting groundwater and surface water resources in the event of accidents and natural disasters.

SECTION 2. Subchapter I, Chapter 26, Water Code, is amended by adding Sections 26.3442, 26.3443, and 26.3444 to read as follows:

Section 26.3442 PERFORMANCE STANDARDS FOR SAFETY AT STORAGE VESSELS

(a) Definitions:

(1) Storage Vessel:

(A) is made of nonearthen materials;

(B) is located on or above the surface of the ground;

(C) has a capacity of 21,000 gallons or more of a regulated substance as defined by TWC Sec. 26.343; and

(D) is located at or is part of a petrochemical plant, a petroleum refinery, or a bulk storage terminal as that term is defined by subsection (a)(2).

(2) "Bulk Storage Terminal" means a site in this state, including end-of-line pipeline storage terminals (excluding breakout tanks), refinery storage terminals, for-hire storage terminals, and rail and barge storage terminals.

(3) "National consensus standards" means any performance standard for storage tanks, or a modification thereof, that:

(A) has been adopted and promulgated by a nationally recognized standards-producing organization under procedures whereby it can be determined by the commission that persons interested and affected by the scope or provisions of the standard have reached substantial agreement on its adoption; and

(B) was formulated in a manner that afforded an opportunity for diverse views to be considered.

(b) The following tanks, including any pipe that is connected to the tank, are not considered to be storage vessels and are exempt from regulation under the Performance Standards for Safety at Storage Vessels requirements in Sections 26.3442, 26.3443, and 26.3444:

(1) a tank used in or associated with the production or gathering of crude oil or natural gas;

(2) a tank that is part of a stormwater or wastewater collection system

(3) a flow-through process tank, including a pressure vessel or process vessel and oil and water separators;

(4) a storage vessel operating above 0.5 Pounds per Square Inch Gauge;

(5) heated tanks;

(6) an intermediate bulk container or similar tank that may be moved within a facility;

(7) a tank regulated under the federal Surface Mining Control and Reclamation Act (30 U.S.C. Sec. 1201 et seq.);

(8) a tank used for the storage of products regulated under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.);

(9) a tank, including piping and collection and treatment systems, that is used in the management of leachate, methane gas, or methane gas condensate, unless the tank is used for storage of a regulated substance;

(10) a tank or pressure vessel that is used to store liquid petroleum gas; and

(11) a tank regulated under the U.S. Department of Transportation's (DOT's) Pipeline and Hazardous Materials Safety Administration (PHMSA) (49 U.S.C. 60101 et seq.).

(c) Not later than September 1, 2023, the commission shall establish a Performance Standards for Safety at Storage Vessels Program as described in this section to provide for the protection of groundwater and surface water resources from a release of substances from a storage vessel in the event of an accident or natural disaster.

(d) In establishing the portion of the Performance Standards for Safety at Storage Vessels Program governed by this subsection, the commission shall, except as provided by Section 26.3443, include all and only those critical safety elements that are applicable to a storage vessel, and that the commission determines to be critical in this state for the protection described by subsection (c), from the following federal statutes and regulations, ensuring that the correct critical safety elements are applied to the correct types of storage vessels as delineated in the applicability section of each cited federal statute and regulation:

(1) Clean Air Act Risk Management Plan Rule and Maximum Achievable Control Technology/National Emission Standards for Hazardous Air Pollutants program requirements;

(2) Resource Conservation and Recovery Act requirements for Treatment, Storage, and Disposal Facilities (40 C.F.R. Parts 264/265, Subparts A-E);

(3) Spill Prevention, Control, and Countermeasure Regulations (40 C.F.R. part 112); and

(4) EPA Risk Management Plan Rules regarding accident prevention at facilities that use certain hazardous substances.

(e) In establishing the portion of the Performance Standards for Safety at Storage Vessels Program governed by this subsection, the commission shall, except as provided by Section 26.3443, include all and only those critical safety elements that are applicable to a storage vessel, and that the commission determines to be critical in this state for the protection described by Subsection (c), from the following national consensus standards, ensuring that the correct critical safety elements are applied to the correct types of storage vessels as delineated in the applicability section of each cited national consensus standard:

(1) for in-service storage vessels constructed on or before September 1, 2027:

(A) from American Petroleum Institute (API) Standard 653: Tank Inspection, Repairs, Alteration, and Reconstruction, the commission shall require adherence to the protocol to applicable tanks included in this standard for the following:

(i) Section 4.3: Tank Shell Evaluation;

(ii) Section 4.4: Tank Bottom Evaluation;

(iii) Section 4.5: Tank Foundation Evaluation;

(iv) Section 6.2: Inspection Frequency Considerations;

(v) Section 6.3: Inspections from the Outside of the Tank;

(vi) Section 6.4: Internal Inspection, if applicable in accordance

with Section 6.3;

(vii) Section 8: Design Considerations for Reconstructed Tanks;
and

(viii) Section 9: Tank Repair and Alteration;

(B) from API Standard 2350 or API Recommended Practices 2350: Overfill Protection for Storage Tanks in Petroleum Facilities, the commission shall include the following critical safety elements for storage vessels included in this standard:

(i) Section 4: Overfill Prevention Systems, including management systems and operational procedures before and after product receipt as applicable;

(ii) Section 5: Overfill Prevention Systems, including requirements for manual or automated overfill prevention systems as applicable, including use of remote operated shutoff valves;

(iii) the requirements referenced in Subparagraphs (i) and (ii) only apply to atmospheric tanks as specified in API Standard 2350; and

(iv) API 2350 assessment protocol to determine how to manage overfill through engineered controls, administrative controls, and hazard class in applicable quantities; and

(C) from either National Fire Protection Association (NFPA) 30 Ch. 22 or API Recommended Practice 2001, the commission shall require fire suppression systems on storage vessels subject to the protocol in the applicable standard; and

(2) for in-service storage vessels constructed after September 1, 2027:

(A) all of the standards listed in Subdivision (1); and

(B) API 650: Welded Tanks for Oil Storage and NFPA 30, chapter 22 location standards; and

(C) NFPA 30, chapter 22 location standards, except for reconstruction standards at an original storage vessel location.

(f) The applicable standard chosen by the commission under Subsection (e)(1)(C) only applies to material stored at atmospheric pressure with a flashpoint less than or equal to 100 Fahrenheit as defined by OSHA Process Safety Management.

(g) The applicable standard in Subsection (e)(2)(B) only applies to atmospheric storage vessels as defined in API 650.

(h) The commission may require a plan to control spills from atmospheric storage vessels that includes recommended practices in NFPA 30.

(i) An owner or operator of a storage vessel shall register with the commission, assess and report to the commission its current compliance status with the Performance Standards for Safety at Storage Vessels Program no later than September 1, 2027. For storage vessels constructed and brought into service after September 1, 2027, an owner or operator of a storage vessel shall register and certify its compliance status to the commission with the Performance Standards for Safety at Storage Vessels program no later than 30 days after start of operation.

(j) An owner or operator of a storage vessel shall comply with the Performance Standards for Safety at Storage Vessel Program requirements on completion of the next regularly scheduled out-of-service maintenance of the storage vessel by the owner or operator that occurs after September 1, 2027. However, all facilities must certify compliance status by no later than September 1, 2037. Any modifications or retrofits necessary for compliance with the Performance Standards for Safety at

Storage Vessels Program should be made during these out-of-service maintenance periods as identified by the owner or operator unless the owner or operator makes and records with the commission a demonstration of technical impracticability that the commission approves.

(k) The commission in implementing the Performance Standards for Safety at Storage Vessels Program shall require an owner or operator of a storage vessel or a designated third party as assigned by the owner or operator to certify compliance status every 10 years with the standards referenced in Subsections (d) and (e) as applicable.

(l) The commission shall keep confidential information reported to, obtained by, or otherwise submitted to the commission that:

(1) is subject to restrictions on dissemination under federal law, including off-site consequence analysis information subject to Title 40, Part 1400, C.F.R.; or

(2) may otherwise present a security risk, if disclosed publicly.

(m) the commission shall conduct on-site inspections of the registered/certified facilities at least once every five years to determine compliance with the Performance Standards for Storage Vessels Program. This subsection does not limit the commission's ability to inspect a facility under other state or federal regulations.

Sec. 26.3443. CERTAIN COMMISSION EXEMPTIONS AND RULES; AMENDMENTS AND ALTERNATIVE STANDARDS. (a) The commission, in implementing the Performance Standards for Safety at Storage Vessels Program under Section 26.3442, may approve exemption of specific storage vessels otherwise subject to Section 26.3442 from regulation under the program if the legal owner or operator submits a request to the commission demonstrating that the vessel presents a sufficiently low risk of floods, storm surges, hurricanes, accidents, fires, explosions, or other hazards such that it does not warrant regulation under the program.

(b) The commission shall establish through rulemaking the effective date of a federal law or regulation that the commission is implementing under Section 26.3442(d), or a national consensus standard that the commission is implementing under Section 26.3442(e). The commission shall amend through rulemaking changes if a federal law or regulation or national consensus standard is amended in a way that materially conflicts with the commission's current implementation of the Performance Standards for Safety at Storage Vessels Program except to the extent that the commission determines, after a cost-benefit analysis and if not prohibited under federal law, that the program as currently implemented by the commission sufficiently effective for protection of the health, safety, and welfare of the citizens of this state.

(c) Notwithstanding the requirement of Section 26.3442(e) that the commission include only critical safety elements from specified national consensus standards, the commission may initiate a rulemaking proceeding to determine whether, for certain vessels in certain situations, an alternative national consensus standard would be at least as effective for public health and safety but more cost effective for the persons affected to implement. The commission may by rule apply the alternative national consensus standard in circumstances under which it has determined the alternative standard is as effective for public health and safety but more cost effective.

Sec. 26.3444. CERTIFICATION FEE. (a) The commission by rule shall establish fees in amounts sufficient to recover the reasonable costs to:

(1) implement a registration program for affected facilities.
(2) review initial and ten-year certifications;
(3) amend certifications;
(4) inspect certified facilities; and
(5) enforce compliance with applicable standards of Sections 26.3442 and rules and orders adopted under those subsections.

(b) The certification fee under Subsection (a) shall be deposited to the credit of an account to be named the Performance Standards for Safety at Storage Vessels Program Account.

(c) The commission may use the money in the Performance Standards for Safety at Storage Vessels Program account to pay:

(1) necessary expenses associated with the administration of the Performance Standards for Safety at Storage Vessels Program;

(2) expenses associated with the review and amendment of certifications, inspection of certified facilities, and enforcement of the applicable standards of Section 26.3442 and the rules and orders adopted by the Performance Standards for Safety at Storage Vessels Program.

SECTION 2. This Act takes effect September 1, 2021.

Floor Amendment No. 1

Amend **CSSB 900** (house committee report) as follows:

- (1) On page 3, line 24, strike "liquid" and substitute "liquefied".
- (2) On page 11, line 10, strike "SECTION 2" and substitute "SECTION 3".

The amendments were read.

Senator Alvarado moved to concur in the House amendments to **SB 900**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 374 WITH HOUSE AMENDMENT

Senator Seliger called **SB 374** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 374** (house committee printing) as follows:

- (1) On page 1, lines 18 and 19, strike the following:

:

- (1)
- (2) On page 1, line 21, strike "(A)" and substitute "(1)".
- (3) On page 1, line 23, strike "(B)" and substitute "(2)".
- (4) On page 1, line 24, strike "or a right-of-way described by" and substitute an underlined period.

- (5) On page 2, strike lines 1-4.

The amendment was read.

Senator Seliger moved to concur in the House amendment to **SB 374**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 876 WITH HOUSE AMENDMENTS

Senator Hancock called **SB 876** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Amendment

**A BILL TO BE ENTITLED
AN ACT**

relating to the county in which a person may apply for the registration of and title for a motor vehicle.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 501.023(a), Transportation Code, is amended to read as follows:

(a) The owner of a motor vehicle must present identification and apply for a title as prescribed by the department, unless otherwise exempted by law. To obtain a title, the owner must apply:

(1) to the county assessor-collector in the county in which:

(A) the owner is domiciled; or

(B) the motor vehicle is purchased or encumbered; or

(2) to any [the] county assessor-collector [of a county] who is willing to accept the application [if the county assessor-collector's office of the county in which the owner resides is closed or may be closed for a protracted period of time as defined by the department].

SECTION 2. Section 501.0234(d), Transportation Code, is amended to read as follows:

(d) A seller who applies for the registration or a title for a motor vehicle under Subsection (a)(1) may [shall] apply:

(1) to the county assessor-collector of the county in which:

(A) the owner is domiciled; or

(B) the motor vehicle is purchased or encumbered; or

(2) to any [in the] county assessor-collector who is willing to accept the application [as directed by the purchaser from the counties set forth in Section 501.023].

SECTION 3. Section 501.030(e), Transportation Code, is amended to read as follows:

(e) Before a motor vehicle that is required to be registered in this state and that is brought into this state by a person other than a manufacturer or importer may be bargained, sold, transferred, or delivered with an intent to pass an interest in the vehicle or encumbered by a lien, the owner must apply for a title in a manner prescribed by the department to the county assessor-collector for the county in which the transaction is to take place or to any assessor-collector who is willing to accept the

application. The assessor-collector may not issue a title receipt unless the applicant delivers to the assessor-collector satisfactory evidence showing that the applicant is the owner of the vehicle and that the vehicle is free of any undisclosed liens.

SECTION 4. Section 502.0023(b), Transportation Code, is amended to read as follows:

(b) A system of extended registration under this section must allow the owner of a commercial fleet to register~~[-~~

~~[(+)]~~ an entire commercial fleet in the county of the owner's residence or principal place of business or in any county in which the county assessor-collector is willing to accept the registration~~[- or~~

~~[(2) the motor vehicles in a commercial fleet that are operated most regularly in the same county].~~

SECTION 5. Section 502.040(b), Transportation Code, is amended to read as follows:

(b) The application must be accompanied by personal identification as determined by department rule and made in a manner prescribed by the department through:

(1) ~~[through]~~ the county assessor-collector of the county in which the owner resides; or

(2) any ~~[if the office of that assessor collector is closed, or may be closed for a protracted period of time, as defined by department rule, through a]~~ county assessor-collector who is willing to accept the application.

SECTION 6. Section 502.041(a), Transportation Code, is amended to read as follows:

(a) Notwithstanding Section 502.040, the owner of a vehicle may concurrently apply for a title and for registration through the county assessor-collector of the county in which:

(1) the owner resides; ~~[or]~~

(2) the vehicle is purchased or encumbered; or

(3) the county assessor-collector is willing to accept the application.

SECTION 7. Section 502.407(c), Transportation Code, is amended to read as follows:

(c) It is a defense to prosecution under this section that at the time of the offense:

(1) the office of the county assessor-collector for the county in which the owner of the vehicle resided was closed for a protracted period of time in accordance with department rules ~~[Section 502.040(b)(2)]~~; and

(2) the vehicle's registration was expired for 30 working days or less.

SECTION 8. The heading to Section 520.006, Transportation Code, is amended to read as follows:

Sec. 520.006. COLLECTION OF FEES ON BEHALF OF ANOTHER ASSESSOR-COLLECTOR; COMPENSATION OF ASSESSOR-COLLECTOR.

SECTION 9. Sections 520.006(a-1) and (b), Transportation Code, are amended to read as follows:

(a-1) A county assessor-collector collecting fees on behalf of another ~~[a]~~ county assessor-collector ~~[whose office is closed or may be closed for a protracted period of time as defined by the department]~~ for purposes of Section 501.023, 501.0234,

501.030, 502.0023, ~~[or]~~ 502.040, or 502.041 shall collect all taxes, fees, and other revenue based on the vehicle owner's county of residence. The vehicle owner's county of residence shall be the recipient of all taxes, fees, and other revenue collected as a result of the transaction, except that the county processing the application may retain the portion of the title application fee under Section 501.138 and the processing and handling fee under Section 502.1911 that the tax assessor-collector is authorized to ~~[may] retain [the commission for fees collected, but shall allocate the fees to the county that is closed or may be closed for a protracted period of time].~~

(b) A county assessor-collector who is compensated under this section for processing a transaction shall pay the entire expense of issuing registration receipts and license plates under Chapter 501 or 502 from the compensation allowed under this section.

SECTION 10. Section 521.144(c), Transportation Code, is amended to read as follows:

(c) A registration receipt issued by a ~~[the]~~ county assessor-collector in this state ~~[of the county in which the new resident resides]~~ is satisfactory evidence that a motor vehicle is registered under Chapter 502.

SECTION 11. The following provisions of the Transportation Code are repealed:

- (1) Section 501.023(e); and
- (2) Section 501.0234(e).

SECTION 12. Section 502.407(c), Transportation Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 13. This Act takes effect September 1, 2021.

Floor Amendment No. 1

Amend **CSSB 876** (house committee printing), in SECTION 13 of the bill, in the effective date provision (page 5, line 26), by striking "September 1, 2021" and substituting "March 1, 2022".

The amendments were read.

Senator Hancock moved to concur in the House amendments to **SB 876**.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Nays: Eckhardt, Gutierrez, Menéndez.

SENATE BILL 2124 WITH HOUSE AMENDMENT

Senator Blanco called **SB 2124** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 2124** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter F, Chapter 843, Insurance Code, is amended by adding Section 843.212 to read as follows:

Sec. 843.212. PHYSICAL THERAPIST COPAYMENT LIMIT. A health care plan that requires an enrollee to pay a copayment for an office visit with the enrollee's primary care physician or provider may not charge a higher copayment amount to that enrollee for an office visit with a physical therapist.

SECTION _____. Subchapter D, Chapter 1301, Insurance Code, is amended by adding Section 1301.166 to read as follows:

Sec. 1301.166. PHYSICAL THERAPIST COPAYMENT LIMIT. A preferred provider benefit plan that requires an insured to pay a copayment for an office visit with the insured's primary care physician or provider may not charge a higher copayment amount to that insured for an office visit with a physical therapist.

The amendment was read.

Senator Blanco moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 2124** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Blanco, Chair; Powell, Nichols, Kolkhorst, and Paxton.

SENATE BILL 204 WITH HOUSE AMENDMENT

Senator Schwertner called **SB 204** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 204** (house committee printing) on page 1 as follows:

(1) Strike line 4 and substitute the following:

SECTION 1. Section 34.007, Education Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (c) to

(2) On line 9, strike "or" and substitute "[~~or~~]".

(3) Strike lines 10 through 14 and substitute the following:

(2) outside the county or district, as applicable, if the county or school district enters into an interlocal contract as provided by Chapter 791, Government Code; or

(3) outside the district if students enrolled in the district reside outside the district and the district:

(A) has an active policy adopted by the board that prohibits screening transfer students who reside outside the district based on the student's academic performance, disciplinary history, or attendance record, regardless of any relevant district or innovation plan adopted by the board or authorization to screen transfer students under any other authority; and

(B) certifies that the district has:

(i) an overall performance rating of C or higher under Section 39.054 for the preceding school year;

(ii) an overall accountability score of 70 or higher for the preceding school year as calculated by the agency for purposes of determining the district's overall performance rating under Section 39.054; and

(iii) the same or better overall performance rating under Section 39.054 for the preceding school year as the school district from which the district will transport students under this subdivision.

(4) Between lines 14 and 15, insert the following:

(a-1) A school district shall make publicly available on the district's Internet website information regarding the district's compliance with the requirements under Subsection (a)(3).

(c) This section may not be construed to prohibit a board of county school trustees or a school district board of trustees from operating a transportation system in another county or district, as applicable, to ensure the most efficient routes for transporting students who reside in the operating county or district.

The amendment was read.

Senator Schwertner moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 204** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Schwertner, Chair; Hughes, Taylor, Powell, and Bettencourt.

SENATE BILL 64 WITH HOUSE AMENDMENT

Senator Nelson called **SB 64** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1 on Third Reading

Amend **SB 64** on third reading, on page 2, between lines 9 and 10, by inserting the following:

Sec. 1701.6225. The commission shall publish the peer-to-peer training materials produced under this section on the commission's Internet website.

The amendment was read.

Senator Nelson moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 64** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Nelson, Chair; Blanco, Campbell, Huffman, and Taylor.

SENATE BILL 800 WITH HOUSE AMENDMENTS

Senator Nelson called **SB 800** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Amendment**A BILL TO BE ENTITLED
AN ACT**

relating to certain required reports or information received or prepared by state agencies and other governmental entities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Articles 2.305(b) and (d), Code of Criminal Procedure, are amended to read as follows:

(b) An entity described by Subsection (a) that investigates the alleged commission of an offense under Chapter 20A, Penal Code, or the alleged commission of an offense under Chapter 43, Penal Code, which may involve human trafficking, shall submit to the attorney general a report in the manner and form prescribed by the attorney general containing the following information:

(1) the offense being investigated, including a brief description of the alleged prohibited conduct;

(2) regarding each person suspected of committing the offense and each victim of the offense:

(A) the person's:

(i) age;

(ii) gender; and

(iii) race or ethnicity, as defined by Article 2.132; and

(B) the case number associated with the offense and the person suspected of committing the offense;

(3) the date, time, and location of the alleged offense;

(4) the type of human trafficking involved, including:

(A) forced labor or services, as defined by Section 20A.01, Penal Code;

(B) causing the victim by force, fraud, or coercion to engage in prohibited conduct involving one or more sexual activities, including conduct described by Section 20A.02(a)(3), Penal Code; or

(C) causing a child victim by any means to engage in, or become the victim of, prohibited conduct involving one or more sexual activities, including conduct described by Section 20A.02(a)(7), Penal Code;

(5) if available, information regarding any victims' service organization or program to which the victim was referred as part of the investigation; and

(6) the disposition of the investigation, if any, regardless of the manner of disposition.

(d) The attorney general may ~~shall~~ enter into a contract with a university that provides for the university's assistance in the collection and analysis of information received under this article.

SECTION 2. Section 71.0353, Government Code, is amended to read as follows:

Sec. 71.0353. TRAFFICKING OF PERSONS INFORMATION. (a) As a component of the official monthly report submitted to the Office of Court Administration of the Texas Judicial System, a district court or county court at law shall report the number of cases filed for the following offenses:

(1) trafficking of persons under Section 20A.02, Penal Code;

(2) prostitution under Section 43.02, Penal Code; and

(3) compelling prostitution under Section 43.05, Penal Code.

(b) A district or county court at law shall provide a copy of the report required under Subsection (a) to the attorney general.

SECTION 3. Sections 402.034(g) and (h), Government Code, are amended to read as follows:

(g) Not later than December 1 of each even-numbered year, ~~[beginning with the year following the year the council submits a strategic plan to the legislature under Subsection (e)(2),]~~ the council shall submit to the legislature a ~~[an annual]~~ report detailing the progress of the strategic plan's implementation. The ~~[annual]~~ report must include:

(1) a description of the level of participation in the strategic plan by each agency represented on the council and how the implementation of the strategic plan serves to coordinate the programs and services described by Subsection (f)(1) and achieve the goals described by Subsection (f)(2)(B); and

(2) an update of the inventory of programs and services described by Subsection (f)(1) and how each program or service furthers the goals of the strategic plan.

(h) The office of the attorney general shall make available on the office's Internet website the strategic plan and the report ~~[annual reports]~~ required under Subsection (g).

SECTION 4. Sections 403.0147(b) and (c), Government Code, are amended to read as follows:

(b) Not later than December 31 of each even-numbered year, the comptroller shall submit a report to the legislature that identifies for each state agency:

(1) each program the state agency is statutorily required to implement for which no appropriation was made for the preceding state fiscal year, along with a citation to the law imposing the requirement; and

(2) the amount and source of money the state agency spent, if any, to implement any portion of the program described by Subdivision (1) during the preceding state fiscal year.

(c) A state agency shall provide to the comptroller not later than September 30 of each even-numbered year information necessary for the comptroller to prepare the report required by this section. The comptroller may prescribe the form and content of the information a state agency must provide.

SECTION 5. Section 404.094(a), Government Code, is amended to read as follows:

(a) Fees, fines, penalties, taxes, charges, gifts, grants, donations, and other funds collected or received by a state agency under law shall be deposited in the treasury, credited to a special fund or funds, and subject to appropriation only for the purposes for which they are otherwise authorized to be expended or disbursed. A deposit shall be made at the earliest possible time that the treasury can accept those funds, but not later than the third business day after the date of receipt. However, if an agency determines that for seasonal or other extraordinary reasons deposits cannot be made by the third business day after the date of receipt, the agency shall provide written notice of the determination to the state auditor and comptroller with an explanation of the circumstances that require the delay. If the state auditor finds that an agency has not complied with this subsection, the state auditor shall make an estimate of any resulting financial loss to the state, taking into consideration compliance costs that would have been additionally incurred by the agency, and report the amount on the state auditor's Internet website ~~[to the legislative audit committee, the governor, and the comptroller]~~.

SECTION 6. Section 531.02492(b), Government Code, is amended to read as follows:

(b) The commission shall electronically publish on the commission's Internet website a biennial report and, on or before the date the report is due, shall notify the governor, the lieutenant governor, the speaker of the house of representatives, the comptroller, ~~[the Legislative Budget Board,]~~ and the appropriate legislative committees that the report is available on the commission's Internet website. The report must address the efforts of the health and human services agencies to provide health and human services to children younger than six years of age. The report may contain recommendations by the commission to better coordinate state agency programs relating to the delivery of health and human services to children younger than six years of age and may propose joint agency collaborative programs.

SECTION 7. Section 531.0998, Government Code, is amended by adding Subsection (g) to read as follows:

(g) The report may be consolidated with any other report relating to the same subject matter the commission is required to submit under other law.

SECTION 8. Section 531.108(e), Government Code, is amended to read as follows:

(e) Not later than October 1 of each year, the ~~The~~ commission shall submit to the governor and Legislative Budget Board an annual report on the results of computerized matching of commission information with information from neighboring states, if any, and information from the Texas Department of Criminal Justice. The report may be consolidated with any other report relating to the same subject matter the commission is required to submit under other law.

SECTION 9. Section 2054.077(b), Government Code, is amended to read as follows:

(b) The information security officer of a state agency shall prepare or have prepared a report, including an executive summary of the findings of the biennial report, not later than June 1 ~~October 15~~ of each even-numbered year, assessing the extent to which a computer, a computer program, a computer network, a computer system, a printer, an interface to a computer system, including mobile and peripheral devices, computer software, or data processing of the agency or of a contractor of the agency is vulnerable to unauthorized access or harm, including the extent to which the agency's or contractor's electronically stored information is vulnerable to alteration, damage, erasure, or inappropriate use.

SECTION 10. Section 2054.515(b), Government Code, is amended to read as follows:

(b) Not later than December 1 of the year in which a state agency conducts the assessment under Subsection (a) or the 60th day after the date the agency completes the assessment, whichever occurs first, the agency shall report the results of the assessment to:

(1) the department; and

(2) on request, the governor, the lieutenant governor, and the speaker of the house of representatives.

SECTION 11. Section 2054.516(a), Government Code, is amended to read as follows:

(a) Each state agency implementing an Internet website or mobile application that processes any sensitive personal or personally identifiable information or confidential information must:

(1) submit a biennial data security plan to the department not later than June 1 ~~October 15~~ of each even-numbered year to establish planned beta testing for the website or application; and

(2) subject the website or application to a vulnerability and penetration test and address any vulnerability identified in the test.

SECTION 12. Section 2054.5192(e), Government Code, is amended to read as follows:

(e) A contractor required to complete a cybersecurity training program under this section shall verify completion of the program to the contracting state agency. The person who oversees contract management for the agency shall:

(1) not later than August 31 of each year, report the contractor's completion to the department; and

(2) periodically review agency contracts to ensure compliance with this section.

SECTION 13. The heading to Section 2310.052, Government Code, is amended to read as follows:

Sec. 2310.052. EVALUATION~~[-REPORT]~~.

SECTION 14. Section 103.013(f), Health and Safety Code, is amended to read as follows:

(f) Not later than November 1 of each even-numbered year, each state agency affected by the state plan, other than a state agency represented on the council, shall report to the council, the Legislative Budget Board, and the Governor's Office of Budget and Planning:

(1) information determined under Subsection (e); and

(2) each deviation from the council's proposed plan, including an explanation for the deviation.

SECTION 15. Sections 533A.006(a) and (b), Health and Safety Code, are amended to read as follows:

(a) The executive commissioner shall submit a report to the Texas Medical Board not later than 30 days after the last day of a month during which any allegation is received by the commission that a physician employed by or under contract with the commission in relation to services provided under this title has committed an action that constitutes a ground for the denial or revocation of the physician's license under Section 164.051, Occupations Code. The report must be made in the manner provided by Section 154.051, Occupations Code.

(b) The department shall provide to the Texas Medical Board a printed and electronic copy of any report or finding relating to an investigation of an allegation reported to that board.

SECTION 16. Section 534.068(f), Health and Safety Code, is amended to read as follows:

(f) The department shall annually submit to the governor~~[-Legislative Budget Board]~~ and Legislative Audit Committee a summary of the significant findings identified during the department's reviews of fiscal audit activities.

SECTION 17. Section 578.008, Health and Safety Code, is amended to read as follows:

Sec. 578.008. USE OF INFORMATION~~[-REPORT]~~. ~~[(a)]~~ The department shall use the information received under Sections 578.006 and 578.007 to analyze, audit, and monitor the use of electroconvulsive therapy, psychosurgery, pre-frontal sonic sound treatment, or any other convulsive or coma-producing therapy administered to treat mental illness.

~~[(b)] The department shall file annually with the governor and the presiding officer of each house of the legislature a written report summarizing by facility the information received under Sections 578.006 and 578.007. If the therapy is administered by a private physician on an outpatient basis, the report must include~~

~~that information but may not identify the physician. The department may not directly or indirectly identify in a report issued under this section a patient who received the therapy.]~~

SECTION 18. Section 22.0292(d), Human Resources Code, is amended to read as follows:

(d) Not later than October 1 of each year, the ~~[The]~~ commission shall submit to the governor and the Legislative Budget Board an annual report on the operation and success of the information matching system required by this section. The report may be consolidated with any other report relating to the same subject matter the commission is required to submit under other law.

SECTION 19. Section 101A.107, Human Resources Code, is amended to read as follows:

Sec. 101A.107. REPORT ON UNIT COSTS. The department shall file with the Legislative Budget Board and the Governor's Office of Budget, Planning, and Policy a report that clearly identifies in a state fiscal year the unit cost of each service, other than services related to community service volunteering and subsidized employment services, provided by an area agency on aging. The report must be filed annually ~~[twice each year]~~ on or before the date specified by the Legislative Budget Board. The report must be in the form required by the Legislative Budget Board.

SECTION 20. Section 161.079(g), Human Resources Code, is amended to read as follows:

(g) The department shall analyze the data reported under Subsection (f) and collected from the form under Subsection (d) ~~[and shall submit a report not later than December 1 of each even-numbered year to the governor and the Legislative Budget Board that summarizes the data analysis].~~

SECTION 21. Section 1305.502(a), Insurance Code, is amended to read as follows:

(a) Not later than December 1 of each even-numbered year, the ~~[The]~~ group shall develop and issue an ~~[annual]~~ informational report card that identifies and compares, on an objective basis, the quality, costs, health care provider availability, and other analogous factors of workers' compensation health care networks operating under the workers' compensation system of this state with each other and with medical care provided outside of networks.

SECTION 22. The heading to Section 413.0515, Labor Code, is amended to read as follows:

Sec. 413.0515. REPORTS OF ~~[PHYSICIAN AND]~~ CHIROPRACTOR VIOLATIONS.

SECTION 23. Sections 504.053(c) and (d), Labor Code, are amended to read as follows:

(c) If the political subdivision or pool provides medical benefits in the manner authorized under Subsection (b)(2), the following do not apply:

(1) Sections 408.004 and 408.0041, unless use of a required medical examination or designated doctor is necessary to resolve an issue relating to the entitlement to or amount of income benefits under this title;

(2) Subchapter B, Chapter 408, except for Section 408.021;

(3) Chapter 413, except for Section 413.042; and

(4) Chapter 1305, Insurance Code, except for Sections [~~1305.501,~~ 1305.502[~~;~~] and 1305.503.

(d) If the political subdivision or pool provides medical benefits in the manner authorized under Subsection (b)(2), the following standards apply:

(1) the political subdivision or pool must ensure that workers' compensation medical benefits are reasonably available to all injured workers of the political subdivision or the injured workers of the members of the pool within a designed service area;

(2) the political subdivision or pool must ensure that all necessary health care services are provided in a manner that will ensure the availability of and accessibility to adequate health care providers, specialty care, and facilities;

(3) the political subdivision or pool must have an internal review process for resolving complaints relating to the manner of providing medical benefits, including an appeal to the governing body or its designee and appeal to an independent review organization;

(4) the political subdivision or pool must establish reasonable procedures for the transition of injured workers to contract providers and for the continuity of treatment, including notice of impending termination of providers and a current list of contract providers;

(5) the political subdivision or pool shall provide for emergency care if an injured worker cannot reasonably reach a contract provider and the care is for medical screening or other evaluation that is necessary to determine whether a medical emergency condition exists, necessary emergency care services including treatment and stabilization, and services originating in a hospital emergency facility following treatment or stabilization of an emergency medical condition;

(6) prospective or concurrent review of the medical necessity and appropriateness of health care services must comply with Article 21.58A, Insurance Code;

(7) the political subdivision or pool shall continue to report data to the appropriate agency as required by Title 5 of this code and Chapter 1305, Insurance Code; and

(8) a political subdivision or pool is subject to the requirements under Sections [~~1305.501,~~ 1305.502[~~;~~] and 1305.503, Insurance Code.

SECTION 24. Section 1001.023(b), Transportation Code, is amended to read as follows:

(b) The chair shall:

(1) preside over board meetings, make rulings on motions and points of order, and determine the order of business;

(2) represent the department in dealing with the governor;

(3) report to the governor on the state of affairs of the department at least quarterly;

(4) report to the board the governor's suggestions for department operations;

(5) report to the governor on efforts, including legislative requirements, to maximize the efficiency of department operations through the use of private enterprise;

(6) periodically review the department's organizational structure and submit recommendations for structural changes to the governor and[5] the board~~[-and the Legislative Budget Board]~~;

(7) designate at least one employee of the department as a civil rights officer of the department and receive regular reports from the officer or officers on the department's efforts to comply with civil rights legislation and administrative rules;

(8) create subcommittees, appoint board members to subcommittees, and receive the reports of subcommittees to the board as a whole;

(9) appoint a member of the board to act in the absence of the chair and vice chair; and

(10) serve as the departmental liaison with the governor and the Office of State-Federal Relations to maximize federal funding for transportation.

SECTION 25. The following provisions are repealed:

- (1) Section 201.0227(d-1), Agriculture Code;
- (2) Section 447.010(j), Government Code;
- (3) Chapter 2061, Government Code;
- (4) Section 2165.303(b), Government Code;
- (5) Section 2310.052(b), Government Code;
- (6) Section 104.026(c), Health and Safety Code;
- (7) Section 161.502(d), Health and Safety Code;
- (8) Section 533A.062(e), Health and Safety Code;
- (9) Section 22.015, Human Resources Code;
- (10) Section 1305.501, Insurance Code;
- (11) Section 2053.012, Insurance Code;
- (12) Sections 405.0025(b) and (c), Labor Code;
- (13) Section 408.030, Labor Code;
- (14) Section 413.0515(a), Labor Code;
- (15) Section 203.154(a), Occupations Code;
- (16) Section 452.159, Occupations Code;
- (17) Section 223.042(f), Transportation Code; and
- (18) Section 228.012(c), Transportation Code.

SECTION 26. This Act takes effect September 1, 2021.

Floor Amendment No. 1

Amend **CSSB 800** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 32.0462, Human Resources Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Before adopting or enforcing a rule or policy under this section that requires a pharmacy to determine the usual and customary price of a prescription drug using a method of calculation that includes or takes into consideration discount prices offered for the prescription drug through a third-party discount card arrangement or membership discount program, the commission must:

(1) conduct a study on the estimated financial impact of the rule or policy
on:

(A) pharmacies; and

(B) consumers who are uninsured or enrolled in Medicare;

(2) take into consideration the estimated financial impact of the rule or policy on the persons described by Subdivision (1) based on the results of the study conducted under that subdivision; and

(3) ensure the adoption or enforcement of the rule or policy complies with Chapters 551 and 2001, Government Code.

SECTION _____. If before implementing Section 32.0462(a-1), Human Resources Code, as added by this Act, a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

The amendment was read.

Senator Nelson moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 800** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Nelson, Chair; Kolkhorst, Nichols, Huffman, and Campbell.

SENATE BILL 199 WITH HOUSE AMENDMENT

Senator Nelson called **SB 199** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED AN ACT

relating to automated external defibrillators.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 779.003, Health and Safety Code, is amended to read as follows:

Sec. 779.003. ACQUISITION, MAINTENANCE, AND INSPECTION OF AUTOMATED EXTERNAL DEFIBRILLATOR. A person or entity that owns or leases an automated external defibrillator shall:

(1) maintain and test the automated external defibrillator according to the manufacturer's guidelines; and

(2) conduct a monthly inspection to verify the automated external defibrillator:

(A) is placed at its designated location;

(B) reasonably appears to be ready for use; and

(C) does not reasonably appear to be damaged in a manner that could prevent operation.

SECTION 2. Section 779.006, Health and Safety Code, is amended to read as follows:

Sec. 779.006. LIABILITY EXEMPTION. (a) Unless the conduct is wilfully or wantonly negligent, a [The prescribing] physician who prescribes or is otherwise involved in [authorizes] the acquisition of an automated external defibrillator and any [in accordance with this chapter, a] person or entity that provides [approved] training in the use of an automated external defibrillator [in accordance with this chapter, and the person or entity that acquires the automated external defibrillator and meets the requirements of this chapter] are not liable for civil damages related to:

(1) the [for such] prescription, [training, or] acquisition, or training in the use of the automated external defibrillator; or

(2) any use or attempted use of or the failure to use the automated external defibrillator [unless the conduct is wilfully or wantonly negligent].

(b) Any person or entity that acquires an automated external defibrillator and any person or entity that owns, occupies, manages, or is otherwise responsible for the designated location where the automated external defibrillator is placed are not liable for civil damages related to the use or attempted use of or the failure to use the automated external defibrillator unless the conduct is wilfully or wantonly negligent [and negligently fails to comply with the requirements of this chapter is liable for civil damages caused by such negligence].

(c) The immunity provided by this section is in addition to any other immunity or limitations of liability provided by other law.

(d) The immunity described by this section applies regardless of whether the person who uses, attempts to use, or fails to use the automated external defibrillator received training in the use of an automated external defibrillator.

SECTION 3. Section 21.0541, Education Code, is amended to read as follows:

Sec. 21.0541. CONTINUING EDUCATION CREDIT FOR INSTRUCTION RELATED TO USE OF AUTOMATED EXTERNAL DEFIBRILLATOR. The board shall adopt rules allowing an educator to receive credit towards the educator's continuing education requirements for completion of an instructional course on the use of an automated external defibrillator that meets any [the] guidelines for automated external defibrillator training approved by the board [under Section 779.002, Health and Safety Code].

SECTION 4. The following provisions are repealed:

(1) Section 22.902(b), Education Code; and

(2) Section 779.002, Health and Safety Code.

SECTION 5. This Act takes effect September 1, 2021.

The amendment was read.

Senator Nelson moved to concur in the House amendment to **SB 199**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 476 WITH HOUSE AMENDMENT

Senator Nelson called **SB 476** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED
AN ACT

relating to establishment of county adult sexual assault response teams.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 351, Local Government Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. COUNTY ADULT SEXUAL ASSAULT RESPONSE TEAMS

Sec. 351.251. DEFINITIONS. In this subchapter:

(1) "Adult" means an individual who is not a child as defined by Section 101.003, Family Code.

(2) "Response team" means a multidisciplinary team established under this subchapter to strengthen the collaborative response and enhance health and judicial outcomes for sexual assault survivors who are adults.

(3) "Sexual assault program" means a program that:

(A) operates independently from a law enforcement agency or prosecutor's office;

(B) is operated by a local public or private nonprofit corporation either independently or as part of a municipal, county, or state agency; and

(C) provides the minimum services, as defined by Section 420.003, Government Code, to adult survivors of stranger and non-stranger sexual assault.

(4) "Survivor" means an individual who is a victim of a sexual assault or other sex offense, regardless of whether a police report is filed for the incident.

Sec. 351.252. ESTABLISHMENT. (a) Except as provided by Subsection (b), the commissioners court of each county shall establish an adult sexual assault response team that includes the following members appointed by the commissioners court:

(1) the chief administrator, or the chief administrator's designee, of a sexual assault program that provides services for the county;

(2) a prosecutor with jurisdiction in the county over cases involving sexual assault committed against adults;

(3) the chief, or the chief's designee, of the municipal police department with the largest population in the county, provided a municipality in the county has a municipal police department;

(4) the sheriff or the sheriff's designee;

(5) either:

(A) a sexual assault nurse examiner or forensic examiner from a facility that conducts sexual assault forensic exams for the county; or

(B) a representative from the largest health care provider operating in the county if the county does not have a professional described by Paragraph (A);

(6) a behavioral health services provider operating in the county or, if the county does not have a behavioral health services provider, a representative from the county health department; and

(7) other persons the presiding officer of the response team considers necessary for the operation of the response team or as recommended by the response team.

(b) Two or more counties, each with a population of 250,000 or less, within a contiguous area may partner to form a multicounty response team.

Sec. 351.253. PRESIDING OFFICER. The response team shall elect a presiding officer from among its members.

Sec. 351.254. MEETINGS. (a) A response team shall meet:

(1) at least quarterly at a time determined by the presiding officer;

(2) not later than the 90th day after the last day of a regular legislative session to review and amend as necessary any protocols, forms, or guidelines developed under this subchapter; and

(3) at any other time at the call of the presiding officer.

(b) If a response team member is unable to participate in a response team meeting, the member or entity the member is representing may designate another individual to represent the member or entity at the meeting. Each member or a designee of that member must participate in all response team meetings.

(c) A response team member must attend the quarterly meetings held as required under Subsection (a)(1) to participate in response team functions.

(d) A response team shall meet independently of a children's advocacy center multidisciplinary team described by Section 264.406, Family Code.

Sec. 351.255. VACANCIES. The commissioners court of a county shall fill a vacancy for a response team member not later than the 30th day after the date the vacancy occurs and in the same manner as the original appointment.

Sec. 351.256. ADULT SEXUAL ASSAULT RESPONSE PROTOCOL. (a) A response team shall develop a written protocol addressing the coordinated response for adult survivors in the county that includes:

(1) the procedures to be used in investigating and prosecuting cases arising from a report of sexual assault;

(2) interagency information sharing, in accordance with state and federal law, to ensure the timely exchange of relevant information and enhance the response to survivors;

(3) the location and accessibility of sexual assault forensic examinations;

(4) information on the availability of and access to medical care when the care is clinically indicated;

(5) a requirement to ensure survivors are offered access to sexual assault program advocates, as defined by Section 420.003, Government Code;

(6) information on the availability of and access to mental and behavioral health services;

(7) a requirement to ensure that relevant law enforcement agencies notify survivors in a timely manner regarding the status of any criminal case and court proceeding;

(8) an assessment of relevant community trends, including drug-facilitated sexual assault, the incidence of predatory date rape, and sex trafficking;

(9) a biennial evaluation through sexual assault case reviews of the effectiveness of individual agency and interagency protocols and systems;

(10) at least four hours of annual cross-agency training on the dynamics of sexual assault for response team members participating in the quarterly meetings as required by Section 351.254(c); and

(11) procedures for addressing conflicts within the response team and for maintaining the confidentiality of information shared among response team members as required by law.

(b) In developing a protocol under this section, the response team:

(1) shall consider Chapter 56A, Code of Criminal Procedure;

(2) may provide different procedures for use within a particular municipality or area of the county served by the response team; and

(3) shall prioritize the health and safety of survivors.

(c) The purpose of the protocol developed under this section is to ensure coordination between all agencies involved in sexual assault cases to increase the efficacy of response and to minimize survivor traumatization. The response team shall provide the protocol to each agency in the county that responds to disclosures of sexual assault.

(d) Failure to follow a protocol developed under this section does not:

(1) constitute the basis for a claim or defense to a civil or criminal action; or

(2) preclude the admissibility of evidence.

Sec. 351.257. REPORT. Not later than December 1 of each odd-numbered year, a response team shall provide to the commissioners court of each county the response team serves a report that includes:

(1) a list of response team members able to participate in the quarterly meetings required by Section 351.254(c);

(2) a copy of the written protocol developed under Section 351.256; and

(3) either:

(A) a biennial summary detailing:

(i) the number of sexual assault reports received by local law enforcement agencies;

(ii) the number of investigations conducted as a result of those reports;

(iii) the number of indictments presented in connection with a report and the disposition of those cases; and

(iv) the number of reports of sexual assault for which no indictment was presented; or

(B) an explanation of the reason the response team failed to provide the information described by Paragraph (A).

Sec. 351.258. MEETINGS AND RECORDS; CONFIDENTIALITY. (a) A response team meeting is not subject to Chapter 551, Government Code.

(b) This section does not prohibit a response team from requesting or allowing the attendance of a person who is not a response team member at a response team meeting.

(c) Information and records acquired by a response team in the exercise of its purpose and duties under this subchapter are confidential and not subject to disclosure under Chapter 552, Government Code, and may only be disclosed as necessary to implement the response team's purpose and duties.

(d) A report or a statistical compilation of data reports created by the response team is public information subject to Chapter 552, Government Code, provided the report or compilation does not contain any personally identifiable information.

(e) Information, documents, and records of the response team that are confidential under this section are not subject to subpoena or discovery and may not be introduced into evidence in any civil, criminal, or administrative proceeding, except that information, documents, and records otherwise available from other sources are not immune from subpoena, discovery, or introduction into evidence solely because that information or those documents or records were presented during a response team meeting or maintained by the response team.

(f) A response team may only review a sexual assault case of an adult survivor with the signed, written consent of the survivor. The consent must specify:

(1) the information or records covered by the release;

(2) the reason or purpose for the release; and

(3) the person or agency to which the information is to be released.

SECTION 2. (a) Not later than December 1, 2021, the commissioners court of each county shall appoint the members to and call the first meeting of the county's adult sexual assault response team in accordance with Subchapter J, Chapter 351, Local Government Code, as added by this Act. At the first meeting of each adult sexual assault response team, the members of the team shall appoint the initial presiding officer.

(b) Not later than December 1, 2022, each adult sexual assault response team shall develop a written protocol as required by Section 351.256, Local Government Code, as added by this Act.

SECTION 3. This Act takes effect September 1, 2021.

The amendment was read.

Senator Nelson moved to concur in the House amendment to **SB 476**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 763 WITH HOUSE AMENDMENT

Senator Powell called **SB 763** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 763** (house committee report) on page 1, between lines 17 and 18, by inserting the following appropriately numbered subdivisions and renumbering the subdivisions of added Section 21.004(b), Transportation Code, and any cross-references accordingly:

() commercial airport representatives;

() vertical takeoff and landing operators;

The amendment was read.

Senator Powell moved to concur in the House amendment to **SB 763**.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Eckhardt, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Taylor, West, Whitmire, Zaffirini.

Nays: Gutierrez, Springer.

SENATE BILL 286 WITH HOUSE AMENDMENT

Senator West called **SB 286** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED
AN ACT

relating to suits affecting the parent-child relationship and child support, including the payment of spousal maintenance by an obligor ordered to pay child support and the disclaimer of a property interest by a child support obligor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 8, Family Code, is amended by adding Section 8.062 to read as follows:

Sec. 8.062. PLACE OF PAYMENT. If an obligor is ordered to pay an obligee maintenance under this chapter and child support under Chapter 154, the court shall order the payment of maintenance to the state disbursement unit as provided by Chapter 234.

SECTION 2. Subchapter B, Chapter 154, Family Code, is amended by adding Section 154.0655 to read as follows:

Sec. 154.0655. IMPUTATION OF INCOME. (a) In this section, "resources" has the meaning assigned by Section 154.062(b).

(b) To the extent possible, the court shall rely on evidence of a party's resources when applying the support guidelines.

(c) In the absence of evidence of a party's resources, the court, when applying Section 154.066 or 154.068, shall consider relevant background circumstances regarding the obligor, including:

- (1) the obligor's:
 - (A) assets;
 - (B) residence;
 - (C) employment;
 - (D) earnings history;
 - (E) job skills;
 - (F) educational attainment;
 - (G) literacy;
 - (H) age;
 - (I) health;
 - (J) criminal history;
 - (K) barriers to employment; and
 - (L) record of seeking work;
- (2) job opportunities in the obligor's community;
- (3) the prevailing wage in the obligor's community; and
- (4) whether there are employers willing to hire the obligor.

SECTION 3. Section 154.066, Family Code, is amended by adding Subsection (c) to read as follows:

(c) The court may not consider incarceration as intentional unemployment or underemployment when establishing or modifying a support order.

SECTION 4. Section 154.125, Family Code, is amended to read as follows:

Sec. 154.125. APPLICATION OF GUIDELINES TO NET RESOURCES. (a) The guidelines for the support of a child in this section are specifically designed to apply to situations in which the obligor's monthly net resources are not greater than the maximum amount of net resources to which the statutory guidelines are applicable, as most recently published by the Title IV-D agency in the Texas Register [\$7,500 or the adjusted amount determined under Subsection (a-1), whichever is greater].

(a-1) The ~~[dollar]~~ amount prescribed by Subsection (a) is adjusted every six years as necessary to reflect inflation. The Title IV-D agency shall compute the adjusted amount, to take effect beginning September 1 of the year of the adjustment, based on the percentage change in the consumer price index during the 72-month period preceding March 1 of the year of the adjustment, as rounded to the nearest \$50 increment. The Title IV-D agency shall publish the adjusted amount in the Texas Register before September 1 of the year in which the adjustment takes effect. For purposes of this subsection, "consumer price index" has the meaning assigned by Section 341.201, Finance Code.

(b) If the obligor's monthly net resources are not greater than the amount described [provided] by Subsection (a) and the obligor's monthly net resources are equal to or greater than the amount described by Subsection (c), the court shall presumptively apply the following schedule in rendering the child support order:

CHILD SUPPORT GUIDELINES

BASED ON THE MONTHLY NET RESOURCES OF THE OBLIGOR

1 child	20% of Obligor's Net Resources
2 children	25% of Obligor's Net Resources
3 children	30% of Obligor's Net Resources

4 children	35% of Obligor's Net Resources
5 children	40% of Obligor's Net Resources
6+ children	Not less than the amount for 5 children

(c) If the obligor's monthly net resources are less than \$1,000, the court shall presumptively apply the following schedule in rendering the child support order:

LOW-INCOME CHILD SUPPORT GUIDELINES
BASED ON THE MONTHLY NET RESOURCES OF THE OBLIGOR

1 child	15% of Obligor's Net Resources
2 children	20% of Obligor's Net Resources
3 children	25% of Obligor's Net Resources
4 children	30% of Obligor's Net Resources
5 children	35% of Obligor's Net Resources
6+ children	Not less than the amount for 5 children

SECTION 5. Section 154.129, Family Code, is amended to read as follows:

Sec. 154.129. ALTERNATIVE METHOD OF COMPUTING SUPPORT FOR CHILDREN IN MORE THAN ONE HOUSEHOLD. (a) If the obligor's monthly net resources are not greater than the amount described by Section 154.125(a) and if the obligor's monthly net resources are equal to or greater than the amount described by Section 154.125(c), in [in] lieu of performing the computation under the preceding section, the court may determine the child support amount for the children before the court by applying the percentages in the table below to the obligor's net resources:

MULTIPLE FAMILY ADJUSTED GUIDELINES

(% OF NET RESOURCES)

		Number of children before the court						
		1	2	3	4	5	6	7
Number of other children for whom the obligor has a duty of support	0	20.00	25.00	30.00	35.00	40.00	40.00	40.00
	1	17.50	22.50	27.38	32.20	37.33	37.71	38.00
	2	16.00	20.63	25.20	30.33	35.43	36.00	36.44
	3	14.75	19.00	24.00	29.00	34.00	34.67	35.20
	4	13.60	18.33	23.14	28.00	32.89	33.60	34.18
	5	13.33	17.86	22.50	27.22	32.00	32.73	33.33
	6	13.14	17.50	22.00	26.60	31.27	32.00	32.62
	7	13.00	17.22	21.60	26.09	30.67	31.38	32.00

(b) If the obligor's monthly net resources are less than the amount described by Section 154.125(c), in lieu of performing the computation under the preceding section, the court may determine the child support amount for the children before the court by applying the percentages in the table below to the obligor's net resources:

LOW-INCOME MULTIPLE FAMILY ADJUSTED GUIDELINES

(% OF NET RESOURCES)

		Number of children before the court						
		1	2	3	4	5	6	7
Number of other children for whom the obligor has a duty of	0	15.00	20.00	25.00	30.00	35.00	35.00	35.00
	1	13.50	18.33	23.13	27.90	32.96	33.25	33.47
	2	12.50	17.00	21.50	26.50	31.50	31.94	32.28
	3	11.63	15.80	20.63	25.50	30.41	30.92	31.33
	4	10.80	15.33	20.00	24.75	29.56	30.10	30.55
	5	10.63	15.00	19.53	24.17	28.88	29.43	29.90
	6	10.50	14.75	19.17	23.70	28.32	28.88	29.35
	7	10.40	14.50	18.90	23.40	28.00	28.50	29.00

support 7 10.41 14.56 18.88 23.32 27.85 28.40 28.88
SECTION 6. Section 156.401, Family Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Incarceration of a child support obligor in a local, state, or federal jail or prison for a period exceeding 180 days is a material and substantial change of circumstances for the purposes of this section.

SECTION 7. Section 157.005(b), Family Code, is amended to read as follows:

(b) The court retains jurisdiction to confirm the total amount of child support, medical support, and dental support arrearages and render [a] cumulative money judgments [judgment] for past-due child support, medical support, and dental support, as provided by Section 157.263, if a motion for enforcement requesting a [cumulative] money judgment is filed not later than the 10th anniversary after the date:

(1) the child becomes an adult; or

(2) on which the child support obligation terminates under the child support order or by operation of law.

SECTION 8. Section 157.263, Family Code, is amended by amending Subsections (a), (b), and (b-1) and adding Subsections (b-2) and (b-3) to read as follows:

(a) If a motion for enforcement of child support requests a money judgment for arrearages, the court shall confirm the amount of arrearages and render [one] cumulative money judgments as follows:

(1) a cumulative money judgment for the amount of child support owed under Subsection (b);

(2) a cumulative money judgment for the amount of medical support owed under Subsection (b-1); and

(3) a cumulative money judgment for the amount of dental support owed under Subsection (b-2) [judgment].

(b) A cumulative money judgment for the amount of child support owed includes:

(1) unpaid child support not previously confirmed;

(2) the balance owed on previously confirmed child support arrearages or lump sum or retroactive child support judgments;

(3) interest on the child support arrearages; and

(4) a statement that it is a cumulative judgment for the amount of child support owed.

(b-1) A cumulative money judgment for the amount of medical support owed includes:

(1) unpaid medical support not previously confirmed;

(2) the balance owed on previously confirmed medical support arrearages or lump sum or retroactive medical support judgments;

(3) interest on the medical support arrearages; and

(4) a statement that it is a cumulative judgment for the amount of medical support owed.

(b-2) A cumulative money judgment for the amount of dental support owed includes:

(1) unpaid dental support not previously confirmed;
(2) the balance owed on previously confirmed dental support arrearages or lump sum or retroactive dental support judgments;
(3) interest on the dental support arrearages; and
(4) a statement that it is a cumulative judgment for the amount of dental support owed.

(b-3) In rendering a money judgment under this section, the court may not reduce or modify the amount of child support, medical support, or dental support arrearages but, in confirming the amount of arrearages, may allow a counterclaim or offset as provided by this title.

SECTION 9. Section 159.605(b), Family Code, is amended to read as follows:

(b) A notice must inform the nonregistering party:

(1) that a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;

(2) that a hearing to contest the validity or enforcement of the registered order must be requested within 30 ~~[20]~~ days after notice unless the registered order is under Section 159.707;

(3) that failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages; and

(4) of the amount of any alleged arrearages.

SECTION 10. Section 234.007(a), Family Code, is amended to read as follows:

(a) A court that orders a party to pay ~~[income to be withheld for]~~ child support under a temporary or final order shall order that all ~~[income ordered withheld for]~~ child support payments ~~[shall]~~ be paid through ~~[to]~~ the state disbursement unit, including any child support that the court orders an employer to withhold from the income of the obligor.

SECTION 11. Section 240.009, Property Code, is amended by adding Subsection (e) to read as follows:

(e) A disclaimer of an interest in property made by an individual must contain a statement under penalty of perjury regarding whether the disclaimant is a child support obligor whose disclaimer is barred under Section 240.151(g). An individual's failure to include the statement does not invalidate a disclaimer if the disclaimer is not barred under Section 240.151(g).

SECTION 12. The enactment of this Act does not constitute a material and substantial change of circumstances sufficient to warrant modification of a court order or portion of a decree that provides for the support of a child rendered before the effective date of this Act.

SECTION 13. (a) Section 8.062, Family Code, as added by this Act, applies only to a maintenance order rendered on or after the effective date of this Act. A maintenance order rendered before the effective date of this Act is governed by the law in effect on the date the order was rendered, and the former law is continued in effect for that purpose.

(b) Notwithstanding Subsection (a) of this section, an obligor subject to a maintenance order rendered before the effective date of this Act may choose to remit maintenance payments to the state disbursement unit as provided by Chapter 234, Family Code, and the state disbursement unit shall accept those payments.

SECTION 14. Section 154.0655, Family Code, as added by this Act, and Section 154.066, Family Code, as amended by this Act, apply only to a proceeding to establish or modify a child support obligation that is pending in a trial court on or filed on or after the effective date of this Act.

SECTION 15. The changes in law made by this Act to Sections 154.125 and 154.129, Family Code, apply to a suit affecting the parent-child relationship that is filed on or after the effective date of this Act. A suit filed before the effective date of this Act is governed by the law in effect on the date the suit is filed, and the former law is continued in effect for that purpose.

SECTION 16. Section 156.401, Family Code, as amended by this Act, applies only to a suit for modification of a child support order that is filed on or after the effective date of this Act. A suit for modification that is filed before the effective date of this Act is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

SECTION 17. Section 157.263, Family Code, as amended by this Act, applies only to a cumulative money judgment rendered on or after the effective date of this Act. A judgment rendered before the effective date of this Act is governed by the law in effect at the time the judgment was rendered, and the former law is continued in effect for that purpose.

SECTION 18. Section 159.605, Family Code, as amended by this Act, applies only to a support order or income-withholding order issued by a court of another state that is registered in this state on or after the effective date of this Act. A support order or income-withholding order that is registered in this state before the effective date of this Act is governed by the law in effect on the date the order was registered, and the former law is continued in effect for that purpose.

SECTION 19. Section 240.009, Property Code, as amended by this Act, applies only to a disclaimer made on or after the effective date of this Act. A disclaimer made before the effective date of this Act is governed by the law in effect at the time the disclaimer was made, and the former law is continued in effect for that purpose.

SECTION 20. This Act takes effect September 1, 2021.

The amendment was read.

Senator West moved to concur in the House amendment to **SB 286**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 877 WITH HOUSE AMENDMENTS

Senator Hancock called **SB 877** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Amendment**A BILL TO BE ENTITLED
AN ACT**

relating to the inspection of municipal buildings during a declared disaster.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter G, Chapter 214, Local Government Code, is amended by adding Section 214.220 to read as follows:

Sec. 214.220. INSPECTION DURING DECLARED DISASTER. (a) In an area of a municipality that is subject to a declaration of disaster by the governor under Chapter 418, Government Code, or a declaration of local disaster under that chapter, a building inspection for compliance with this subchapter or related municipal regulations may, while the declaration is in effect, be performed by a person:

(1) other than:

(A) the owner of the building; or

(B) a person whose work is the subject of the inspection; and

(2) who is:

(A) certified to inspect buildings by the International Code Council;

(B) employed as a building inspector by the municipality in which the building is located;

(C) employed as a building inspector by any political subdivision, if the municipality in which the building is located has approved the person to perform inspections during a disaster; or

(D) an engineer licensed under Chapter 1001, Occupations Code.

(b) A municipality may not collect an inspection fee related to the inspection of a building performed under Subsection (a).

(c) A person who performs an inspection under this section must:

(1) to the extent practicable, comply with the municipality's building inspection regulations and policies; and

(2) not later than the 30th day after the date of the inspection, provide notice to the municipality of the inspection in a format prescribed by the municipality.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

Floor Amendment No. 1

Amend **CSSB 877** (house committee report) on page 2 as follows:

(1) On line 5, between "an" and "inspection" insert "additional".

(2) On lines 12-13, strike "in a format prescribed by the municipality".

(3) Between lines 13 and 14, insert the following:

(d) The municipality may prescribe a reasonable format for the notice provided under Subsection (c)(2).

Floor Amendment No. 2

Amend **CSSB 877** (house committee report) on page 2, line 9, by striking "to the extent practicable,".

The amendments were read.

Senator Hancock moved to concur in the House amendments to **SB 877**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 312 WITH HOUSE AMENDMENTS

Senator Huffman called **SB 312** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 312** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Section 22.012, Penal Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) An offense under this section is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if it is shown on the trial of the offense that:

(A) the defendant has been previously convicted of an offense under this section, other than an offense punishable under Paragraph (B); or

(B) the defendant is a health care services provider or a mental health services provider and the act is:

(i) committed during the course of providing a treatment or service to the victim; and

(ii) beyond the scope of generally accepted practices for the treatment or service; or

(2) a felony of the third degree if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section that is punishable under Subdivision (1)(B).

(d) In this section, "health care services provider" and "mental health services provider" have the meanings assigned by Section 22.011.

Floor Amendment No. 1 on Third Reading

Amend **SB 312** on third reading by striking the SECTION of the bill amending Section 22.012, Penal Code.

The amendments were read.

Senator Huffman moved to concur in the House amendments to **SB 312**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 313 WITH HOUSE AMENDMENT

Senator Huffman called **SB 313** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 313** (house committee printing) on page 1, line 9, between "trigger lock," and "or," by inserting "a firearm safety training manual or electronic publication,".

The amendment was read.

Senator Huffman moved to concur in the House amendments to **SB 313**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE JOINT RESOLUTION 19 WITH HOUSE AMENDMENT

Senator Kolkhorst called **SJR 19** from the President's table for consideration of the House amendment to the resolution.

The President Pro Tempore laid the resolution and the House amendment before the Senate.

Amendment**A JOINT RESOLUTION**

proposing a constitutional amendment establishing a right for residents of certain facilities to designate an essential caregiver for in-person visitation.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article I, Texas Constitution, is amended by adding Section 35 to read as follows:

Sec. 35. (a) A resident of a nursing facility, assisted living facility, intermediate care facility for individuals with an intellectual disability, residence providing home and community-based services, or state supported living center, as those terms are defined by general law, has the right to designate an essential caregiver with whom the facility, residence, or center may not prohibit in-person visitation.

(b) Notwithstanding Subsection (a) of this section, the legislature by general law may provide guidelines for a facility, residence, or center described by Subsection (a) of this section to follow in establishing essential caregiver visitation policies and procedures.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 2021. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment establishing a right for residents of certain facilities to designate an essential caregiver for in-person visitation."

The amendment was read.

Senator Kolkhorst moved to concur in the House amendment to **SJR 19**.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Johnson.

SENATE BILL 1055 WITH HOUSE AMENDMENT

Senator Huffman called **SB 1055** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1055** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Sections 544.007(b) and (c), Transportation Code, are amended to read as follows:

(b) An operator of a vehicle facing a circular green signal may proceed straight or turn right or left unless a sign prohibits the turn. The operator shall, while the signal is exhibited:

(1) yield the right-of-way to other vehicles [and to pedestrians] lawfully in the intersection [or an adjacent crosswalk] when the signal is exhibited; and

(2) stop and yield the right-of-way to pedestrians lawfully in the intersection or an adjacent crosswalk.

(c) An operator of a vehicle facing a green arrow signal, displayed alone or with another signal, may cautiously enter the intersection to move in the direction permitted by the arrow or other indication shown simultaneously. The operator shall stop and yield the right-of-way to a pedestrian lawfully in an adjacent crosswalk and shall yield the right-of-way to other traffic lawfully using the intersection.

SECTION _____. Section 552.002(b), Transportation Code, is amended to read as follows:

(b) A pedestrian facing a "Walk" signal may proceed across a roadway in the direction of the signal, and the operator of a vehicle shall stop and yield the right-of-way to the pedestrian.

SECTION _____. Sections 552.003(a) and (b), Transportation Code, are amended to read as follows:

(a) The operator of a vehicle shall stop and yield the right-of-way to a pedestrian crossing a roadway in a crosswalk if:

(1) no traffic control signal is in place or in operation; and

(2) the pedestrian is:

(A) on the half of the roadway in which the vehicle is traveling; or

(B) approaching so closely from the opposite half of the roadway as to be in danger.

(b) Notwithstanding Subsection (a), a pedestrian may not suddenly leave a curb or other place of safety and proceed into a crosswalk in the path of a vehicle so close that it is impossible for the vehicle operator to stop and yield.

SECTION _____. Section 552.006(c), Transportation Code, is amended to read as follows:

(c) The operator of a vehicle emerging from or entering an alley, building, or private road or driveway shall stop and yield the right-of-way to a pedestrian approaching on a sidewalk extending across the alley, building entrance or exit, road, or driveway.

SECTION _____. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was

committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

The amendment was read.

Senator Huffman moved to concur in the House amendment to **SB 1055**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1056 WITH HOUSE AMENDMENT

Senator Huffman called **SB 1056** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1056** (house committee report) as follows:

(1) Strike SECTION 1 of the bill (page 1, line 5, though page 3, line 1) and substitute the following:

SECTION 1. Chapter 42, Penal Code, is amended by adding Section 42.0601 to read as follows:

Sec. 42.0601. FALSE REPORT TO INDUCE EMERGENCY RESPONSE. (a) A person commits an offense if:

(1) the person makes a report of a criminal offense or an emergency or causes a report of a criminal offense or an emergency to be made to a peace officer, law enforcement agency, 9-1-1 service as defined by Section 771.001, Health and Safety Code, official or volunteer agency organized to deal with emergencies, or any other governmental employee or contractor who is authorized to receive reports of a criminal offense or emergency;

(2) the person knows that the report is false;

(3) the report causes an emergency response from a law enforcement agency or other emergency responder; and

(4) in making the report or causing the report to be made, the person is reckless with regard to whether the emergency response by a law enforcement agency or other emergency responder may directly result in bodily injury to another person.

(b) An offense under this section is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if it is shown on the trial of the offense that the defendant has previously been convicted two or more times of an offense under this section; or

(2) a felony of the third degree if:

(A) the false report was of a criminal offense to which a law enforcement agency or other emergency responder responded; and

(B) a person suffered serious bodily injury or death as a direct result of lawful conduct arising out of that response.

(c) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or both sections.

(d) This section may not be construed in any manner to conflict with 47 U.S.C. Section 230 or 42 U.S.C. Section 1983.

(2) On page 3, line 4, strike "SWATTING. The offense of swatting" and substitute "FALSE REPORT TO INDUCE EMERGENCY RESPONSE. An offense under Section 42.0601, Penal Code,".

(3) On page 3, line 7, strike "communicated" and substitute "made".

(4) On page 3, line 8, between "agency" and "responded", insert "or other emergency responder".

(5) On page 4, line 9, strike "22.14" and substitute "42.0601".

(6) On page 4, lines 9 and 10, strike "been previously adjudicated for conduct in violation of" and substitute "previously been adjudicated as having engaged in conduct violating".

(7) Add the following appropriately numbered SECTIONS to the bill and renumber the SECTIONS of the bill accordingly:

SECTION _____. Article 42.037, Code of Criminal Procedure, is amended by adding Subsection (w) to read as follows:

(w) If a defendant is convicted of an offense under Section 42.0601, Penal Code, the court may order the defendant to make restitution to an entity for the reasonable costs of the emergency response by that entity resulting from the false report.

SECTION _____. Article 42.014(a), Code of Criminal Procedure, is amended to read as follows:

(a) In the trial of an offense under Title 5, Penal Code, or Section 28.02, 28.03, ~~[or]~~ 28.08, or 42.0601, Penal Code, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment of the case if at the guilt or innocence phase of the trial, the judge or the jury, whichever is the trier of fact, determines beyond a reasonable doubt that the defendant intentionally selected the person against whom the offense was committed, or intentionally selected the person's property that was damaged or affected as a result of the offense, because of the defendant's bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference or by status as a peace officer or judge.

The amendment was read.

Senator Huffman moved to concur in the House amendment to **SB 1056**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 474 WITH HOUSE AMENDMENT

Senator Lucio called **SB 474** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment**A BILL TO BE ENTITLED
AN ACT**

relating to the unlawful restraint of a dog; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 821, Health and Safety Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. UNLAWFUL RESTRAINT OF DOG

Sec. 821.101. DEFINITIONS. In this subchapter:

(1) "Adequate shelter" means a sturdy structure:

(A) that allows the dog protection from rain, hail, sleet, snow, and subfreezing temperatures; and

(B) with dimensions that allow the dog while in the shelter to stand erect, sit, turn around, and lie down in a normal position.

(2) "Collar" means a band constructed of nylon, leather, or similar material, specifically designed to be placed around the neck of a dog.

(3) "Harness" means a set of straps constructed of nylon, leather, or similar material, specifically designed to restrain or control a dog.

(4) "Owner" means a person who owns or has custody or control of a dog.

(5) "Properly fitted" means, with respect to a collar or harness, a collar or harness that:

(A) is appropriately sized for the dog based on the dog's measurements and body weight;

(B) does not choke the dog or impede the dog's normal breathing or swallowing; and

(C) is attached around the dog in a manner that does not allow for escape and does not cause pain or injury to the dog.

(6) "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

Sec. 821.102. UNLAWFUL RESTRAINT OF DOG; OFFENSE. (a) An owner may not leave a dog outside and unattended by use of a restraint unless the owner provides the dog access to:

(1) adequate shelter;

(2) an area that allows the dog to avoid standing water and any other substance that could cause harm to the health of a dog that is subjected to prolonged exposure to the substance, including feces or urine;

(3) shade from direct sunlight; and

(4) potable water.

(b) An owner may not restrain a dog outside and unattended by use of a restraint that:

(1) is a chain;

(2) has weights attached;

(3) is shorter in length than the greater of:

(A) five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or

(B) 10 feet;

- (4) is not attached to a properly fitted collar or harness; or
- (5) causes pain or injury to the dog.

(c) A person commits an offense if the person knowingly violates this section. The restraint of each dog that is in violation is a separate offense.

(d) An offense under this section is a Class C misdemeanor, except that the offense is a Class B misdemeanor if the person has previously been convicted under this section.

(e) If conduct constituting an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

Sec. 821.103. EXCEPTIONS. (a) Section 821.102 does not apply to:

(1) the use of a restraint on a dog in a public camping or recreational area in compliance with the requirements of the public camping or recreational area as defined by a federal, state, or local authority or jurisdiction;

(2) the use of a restraint on a dog while the owner and dog engage in, or actively train for, an activity conducted under a valid license issued by this state provided the activity is associated with the use or presence of a dog;

(3) the use of a restraint on a dog while the owner and dog engage in conduct directly related to the business of shepherding or herding cattle or livestock;

(4) the use of a restraint on a dog while the owner and dog engage in conduct directly related to the business of cultivating agricultural products;

(5) a dog left unattended in an open-air truck bed only for the time necessary for the owner to complete a temporary task that requires the dog to be left unattended in the truck bed;

(6) a dog taken by the owner, or another person with the owner's permission, from the owner's residence or property and restrained by the owner or the person for not longer than the time necessary for the owner to engage in an activity that requires the dog to be temporarily restrained; or

(7) a dog restrained while the owner and dog are engaged in, or actively training for, hunting or field trialing.

(b) Section 821.102(b)(3) does not apply to a restraint attached to a trolley system that allows a dog to move along a running line for a distance equal to or greater than the lengths specified under that subdivision.

(c) This subchapter does not prohibit a person from walking a dog with a handheld leash.

Sec. 821.104. EFFECT OF SUBCHAPTER ON OTHER LAW. This subchapter does not preempt a local regulation relating to the restraint of a dog or affect the authority of a political subdivision to adopt or enforce an ordinance or requirement relating to the restraint of a dog if the regulation, ordinance, or requirement:

(1) is compatible with and equal to or more stringent than a requirement prescribed by this subchapter; or

(2) relates to an issue not specifically addressed by this subchapter.

SECTION 2. Subchapter D, Chapter 821, Health and Safety Code, is repealed.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was

committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2021.

The amendment was read.

Senator Lucio moved to concur in the House amendment to **SB 474**.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez, Hancock, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Nays: Hall, Hughes, Nichols.

GUESTS PRESENTED

Senator Alvarado was recognized and introduced to the Senate Houston Astros sportscaster Bill Brown and his wife.

The Senate welcomed its guests.

SENATE BILL 1113 WITH HOUSE AMENDMENT

Senator Bettencourt called **SB 1113** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 2

Amend **SB 1113** (house committee printing) on page 1, line 9, between "the" and "cancellation" by inserting "approval, change, or".

The amendment was read.

Senator Bettencourt moved to concur in the House amendment to **SB 1113**.

The motion prevailed by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

SENATE BILL 1116 WITH HOUSE AMENDMENT

Senator Bettencourt called **SB 1116** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1116** (house committee printing) as follows:

(1) on page 1, line 10, between "an election" and "administered" by inserting "of public officials or of a governmental entity authorized by law to impose a tax".

(2) On page 1, line 12, strike "and".

(3) On page 1, line 14, strike the underlined period and substitute an underlined semicolon.

(4) On page 1, between lines 14 and 15, insert the following:

(4) the total number of votes cast by personal appearance on election day;

(5) the total number of votes cast by personal appearance or mail during the early voting period; and

(6) the total number of counted and uncounted provisional ballots cast.

(5) On page 1, line 20, strike "and".

(6) On page 1, line 22, strike the underlined period and substitute an underlined semicolon.

(7) On page 1, between lines 22 and 23, insert the following:

(4) the total number of votes cast by personal appearance on election day;

(5) the total number of votes cast by personal appearance or mail during the early voting period; and

(6) the total number of counted and uncounted provisional ballots cast.

(8) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 4, Election Code, is amended by adding Section 4.009 to read as follows:

Sec. 4.009. INTERNET POSTING. (a) Not later than the 21st day before election day, a county that holds or provides election services for an election and maintains an Internet website shall post on its public Internet website for an election of public officials or of a governmental entity authorized by law to impose a tax administered by the county:

(1) the date of the election;

(2) the location of each polling place;

(3) each candidate for an elected office on the ballot; and

(4) each measure on the ballot.

(b) Not later than the 21st day before election day, a city or independent school district that holds an election and maintains an Internet website shall post on the public Internet website for the city or independent school district, as applicable:

(1) the date of the next election;

(2) the location of each polling place;

(3) each candidate for an elected office on the ballot; and

(4) each measure on the ballot.

The amendment was read.

Senator Bettencourt moved to concur in the House amendment to **SB 1116**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1590 WITH HOUSE AMENDMENT

Senator Bettencourt called **SB 1590** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1590** (house committee printing) on page 1, line 11, between "for" and the underlined colon, by inserting "at least".

The amendment was read.

Senator Bettencourt moved to concur in the House amendment to **SB 1590**.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Nays: Eckhardt, Gutierrez.

SENATE BILL 809 WITH HOUSE AMENDMENT

Senator Kolkhorst called **SB 809** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment**A BILL TO BE ENTITLED****AN ACT**

relating to health care institution reporting of federal money received for the coronavirus disease public health emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle D, Title 2, Health and Safety Code, is amended by adding Chapter 81A to read as follows:

CHAPTER 81A. CORONAVIRUS DISEASE PUBLIC HEALTH EMERGENCY
REPORTING

Sec. 81A.001. DEFINITIONS. In this chapter:

(1) "Coronavirus disease public health emergency" means the period:

(A) beginning on the date the public health emergency declared by the United States secretary of health and human services under Section 319, Public Health Service Act (42 U.S.C. Section 247d), on January 31, 2020, with respect to the coronavirus disease (COVID-19) took effect; and

(B) ending on the earlier of:

(i) the date the public health emergency described by Paragraph (A) of this subdivision ends; or

(ii) January 1, 2023.

(2) "Health care institution" has the meaning assigned by Section 74.001, Civil Practice and Remedies Code.

Sec. 81A.002. HEALTH CARE INSTITUTION REPORT. (a) Except as provided by Subsection (b), and subject to Subsection (d), a health care institution that receives federal money for assisting health care institutions during the coronavirus disease public health emergency, including money received under the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. Section 9001 et seq.), the Consolidated Appropriations Act, 2021 (Pub. L. No. 116-260), and the American Rescue Plan Act of 2021 (Pub. L. No. 117-2), shall report the money received to the commission on a monthly basis. A health care institution's initial report to the commission must include all federal money received by the institution during the period beginning January 31, 2020, and ending August 31, 2021.

(b) A health care institution is not required to report federal money:

(1) received as a loan during the coronavirus disease public health emergency from the United States Small Business Administration as part of a paycheck protection program; or

(2) received under Subsection (a) if the health care institution returned or repaid the money to the federal government.

(c) Each quarter, the commission shall compile the information described by Subsection (a) into a written report provided to:

(1) the governor, lieutenant governor, and speaker of the house of representatives;

(2) the Legislative Budget Board; and

(3) the standing committees of the legislature with primary jurisdiction over state finance and public health.

(d) The commission shall establish procedures for health care institutions to report the information required under Subsection (a). In establishing the procedures, the commission shall to the extent practicable:

(1) minimize duplication of reporting by institutions to the commission; and

(2) avoid requiring institutions to report information that is duplicative of information that institutions are required to report to the federal government.

Sec. 81A.003. DISCIPLINARY ACTION BY LICENSING AUTHORITY. The appropriate licensing authority may take disciplinary action against a health care institution that violates this chapter as if the institution violated an applicable licensing law.

Sec. 81A.004. EXPIRATION. This chapter expires September 1, 2023.

SECTION 2. This Act takes effect September 1, 2021.

The amendment was read.

Senator Kolkhorst moved to concur in the House amendment to **SB 809**.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: West.

SENATE BILL 1490 WITH HOUSE AMENDMENT

Senator Creighton called **SB 1490** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED AN ACT

relating to the authority of the Texas Higher Education Coordinating Board to authorize certain degree programs offered by private postsecondary educational institutions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 61.303, Education Code, as amended by S.B. 1781, Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

Sec. 61.303. EXEMPTIONS. (a) Unless specifically provided otherwise, the provisions of this subchapter do not apply to an institution that is fully accredited by, and is not operating under sanctions imposed by, a recognized accrediting agency, or an institution or degree program that has received approval by a state agency authorizing the institution's graduates to take a professional or vocational state licensing examination administered by that agency. The granting of permission by a state agency to a graduate of an institution to take a licensing examination does not by itself constitute approval of the institution or degree program required for an exemption under this subsection.

(b) The exemptions provided by Subsection (a) apply only to the degree level for which an institution is accredited, and if an institution offers to award a degree at a level for which it is not accredited, the exemption does not apply.

(c) Except as provided by Subsection (c-1), the [The] board may approve the issuance of a certificate of authorization to grant degrees [issue] to an exempt institution or person [a certificate of authorization to grant degrees]. The board may adopt rules regarding a process to allow an exempt institution or person to apply ~~[for]~~ and receive approval for a certificate of authorization under this section.

(c-1) The board may not approve the issuance of a certificate of authorization for an exempt institution to grant a professional degree or to represent that credits earned in this state are applicable toward a professional degree except to the extent allowed for an authorized institution operating under a State Authorization Reciprocity Agreement (SARA). In this subsection, "professional degree" includes Doctor of Medicine (M.D.), Doctor of Osteopathy (D.O.), Doctor of Dental Surgery (D.D.S.), Doctor of Veterinary Medicine (D.V.M.), Juris Doctor (J.D.), and Bachelor of Laws (LL.B.).

(d) The board by rule may require an exempt institution or person to ensure that the financial resources and financial stability of the institution or person are adequate to provide education of a good quality and to fulfill the institution's or person's commitments to its enrolled students and may require the institution or person to provide to the board documentation of the institution's or person's compliance with those requirements. Rules adopted under this subsection must:

(1) require the institution or person to maintain reserves, lines of credit, or surety instruments that, when combined with tuition and fee receipts, are sufficient to allow the institution or person to fulfill its educational obligations to its enrolled students if the institution or person is unable to continue to provide instruction to its enrolled students for any reason; and

(2) require that the financial resources maintained under Subdivision (1) be conditioned to allow only the board to withdraw funds for the benefit of the institution's or person's enrolled students under the circumstance described by Subdivision (1).

(e) To enable the board to verify the conditions under which a certificate of authorization issued under this section is held, the board by rule may require an exempt institution or person to report to the board on a continuing basis other appropriate information in addition to the documentation required under Subsection (d).

(f) An exempt institution or person continues in that status only if the institution or person maintains accreditation by, and is not operating under sanctions imposed by, a recognized accrediting agency or otherwise meets the provisions of Subsection (a).

(g) The board by rule shall provide for due process and shall provide procedures for revoking or placing conditions on the exemption status of an institution or person or for revoking or placing conditions on a previously issued certificate of authorization.

(h) Under the rules described by Subsection (g), the board may revoke or place conditions on an institution's or person's exemption status or certificate of authorization only if the board has reasonable cause to believe that the institution or person has violated this subchapter or any rule adopted under this subchapter.

(i) Before revoking or placing conditions on an institution's or person's exemption status or certificate of authorization under Subsection (h), the board must provide to the institution or person written notice of the board's impending action and include the grounds for that action.

(j) If the board places conditions on an institution's or person's exemption status or certificate of authorization under Subsection (h), until the board removes the conditions, the board may reexamine the applicable institution or person at least twice annually following the date the board provided notice under Subsection (i).

(k) A private postsecondary educational institution may not establish or operate a branch campus, extension center, or other off-campus unit in Texas except as provided by this subsection or the rules of the board. This subsection does not apply to a private or independent institution of higher education as defined by Section 61.003.

SECTION 2. Section 61.306, Education Code, is amended by amending Subsections (a) and (c) and adding Subsections (c-1) and (d) to read as follows:

(a) Subject to Subsections (c) and (c-1), the ~~The~~ board may issue a certificate of authority to grant a degree or degrees and to enroll students for courses which may be applicable toward a degree if it finds that the applicant meets the standards established by the board for certification.

(c) The board may not issue a certificate of authority for a private postsecondary educational institution to grant a professional degree or to represent that credits earned in this state are applicable toward a professional degree if the institution is chartered in a foreign country or has its principal office or primary educational program in a foreign country.

(c-1) The board may issue a certificate of authority for a private postsecondary educational institution to grant a professional degree or to represent that credits earned in this state are applicable toward a professional degree only if the board determines that:

(1) the capacity and ability of similar professional degree programs at institutions of higher education and private or independent institutions of higher education are insufficient to meet the state's current market needs;

(2) the institution seeking the certificate of authority:

(A) has the necessary faculty and other resources to ensure student success; and

(B) is subject to and agrees to meet the same standards for approval and all academic criteria applicable to similar professional degree programs offered by institutions of higher education and private or independent institutions of higher education; and

(3) sufficient placements are available to students for required field-based experience, such as clinicals or clerkships, for the proposed professional degree.

(d) In this section:

(1) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003.

(2) "Professional [subsection, "professional"] degree" includes a Doctor of Medicine (M.D.), Doctor of Osteopathy (D.O.), Doctor of Dental Surgery (D.D.S.), Doctor of Veterinary Medicine (D.V.M.), Juris Doctor (J.D.), and Bachelor of Laws (LL.B.).

SECTION 3. This Act takes effect September 1, 2021.

The amendment was read.

Senator Creighton moved to concur in the House amendment to **SB 1490**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1642 WITH HOUSE AMENDMENT

Senator Creighton called **SB 1642** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED

AN ACT

relating to the administration of navigation districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 4. Subchapter D, Chapter 60, Water Code, is amended by adding Section 60.0726 to read as follows:

Sec. 60.0726. FIRES, EXPLOSIONS, AND HAZARDOUS MATERIALS INCIDENTS. A district may respond to and fight a fire, explosion, or hazardous material incident that occurs on or adjacent to a waterway, channel, or turning basin that is located in the district's territory, regardless of whether the waterway, channel, or turning basin is located in the corporate limits of a municipality.

SECTION 5. Section 60.101, Water Code, is amended by adding Subsections (a-1) and (e) and amending Subsection (d) to read as follows:

(a-1) A district may acquire, purchase, lease, maintain, repair, and operate facilities and equipment for the purposes of protecting life and property by detecting, responding to, and fighting fires, explosions, and hazardous materials incidents described by Section 60.0726.

(d) A district may contract with a broker to sell or lease a tract of land in the same manner as the commissioners court of a county under Section 263.008, Local Government Code.

(e) A lease that requires the lessee to construct improvements on land owned by the district is not a public work contract for purposes of Chapter 2253, Government Code.

SECTION 6. Section 60.103, Water Code, is amended to read as follows:

Sec. 60.103. PRESCRIBING FEES AND CHARGES. The district [commission] shall prescribe fees and charges to be collected for the use of the land, improvements, and facilities of the district and for the use of any land, improvements, or facilities acquired under the provisions of this subchapter. The fees and charges shall be reasonable, equitable, and sufficient to produce revenue necessary to exercise the powers described by Section 60.101 and adequate to pay the expenses described by [mentioned in] Section 60.105 [of this code].

SECTION 7. Sections 60.172(b), (c), and (d), Water Code, are amended to read as follows:

(b) The commission shall fix a time and place at which a public hearing concerning the proposed indebtedness shall be held. The date of the hearing shall be not less than seven [15] days nor more than 30 days from the date of the resolution of the commission giving [the] notice of the hearing date.

(c) Notice published by the commission under this section shall:

(1) include a statement of the amount and purpose of the proposed indebtedness;

(2) inform all persons of the time and place of hearing; and

(3) inform all persons of their right to express their views [appear] at the hearing, orally or in writing, and contend for or protest the creation of the indebtedness.

(d) The secretary of the commission shall publish [post copies of] the notice not earlier than the seventh day [for 10 days] before the date [day] of the hearing:

(1) once in a newspaper of general circulation in the district's territory that is available to residents of the district; and

(2) on the district's Internet website, if the district maintains a website, in an area of that website used to inform district residents about events such as public meetings [three public places in the district and at the door of each county courthouse located in the district].

SECTION 8. The heading to Section 60.405, Water Code, is amended to read as follows:

Sec. 60.405. PROPOSAL PROCEDURES ~~[COMPETITIVE SEALED PROPOSALS]~~.

SECTION 9. Section 60.405, Water Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Items that may be purchased under the procedure provided by this section include items required in connection with a navigation project entered into with the United States.

SECTION 10. Section 60.463(d-1), Water Code, is amended to read as follows:

(d-1) If a two-step process is used, the district may not request prices in the first step. In the second step, the district may request that ~~[five or fewer]~~ offerors, selected solely on the basis of qualifications, provide additional information, including proposed prices.

SECTION 11. Subchapter Q, Chapter 60, Water Code, is amended by adding Section 60.502 to read as follows:

Sec. 60.502. IMPLIED CONTRACTS. A schedule of rates, fees, charges, rules, and ordinances that have been adopted in accordance with applicable law or the district's rules, including a limitation of liability for cargo loss or damage, that relates to receiving, delivering, handling, or storing property at a district facility and that is made available to the public on the district's Internet website is enforceable by an appropriate court as an implied contract between the district and a person using the district's facilities without proof of actual knowledge of the schedule's provisions.

SECTION 12. Sections 62.123(b) and (d), Water Code, are amended to read as follows:

(b) No franchise shall be granted for longer than 50 years nor shall a franchise be granted except on the affirmative vote of a majority of the commissioners present at a meeting ~~[three separate meetings]~~ of the commission ~~[which meetings may not be closer together than one week]~~.

(d) The franchise shall require the grantee to file the grantee's written acceptance of the franchise within 30 days after the franchise is granted ~~[finally approved]~~ by the commission.

SECTION 13. Section 60.172(e), Water Code, is repealed.

SECTION 14. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

The amendment was read.

Senator Creighton moved to concur in the House amendment to **SB 1642**.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Zaffirini.

SENATE BILL 760 WITH HOUSE AMENDMENT

Senator Springer called **SB 760** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED
AN ACT

relating to the removal of solar power facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Title 6, Utilities Code, is amended to read as follows:

TITLE 6. PRIVATE ~~WIND~~ POWER AGREEMENTS

SECTION 2. Title 6, Utilities Code, is amended by adding Chapter 302 to read as follows:

CHAPTER 302. SOLAR POWER FACILITY AGREEMENTS

Sec. 302.0001. DEFINITIONS. In this chapter:

(1) "Grantee" means a person, other than an electric utility, as defined by Section 31.002, who:

(A) leases property from a landowner; and

(B) operates a solar power facility on the property.

(2) "Solar energy device" has the meaning assigned by Section 185.001.

(3) "Solar power facility" includes:

(A) a solar energy device; and

(B) a facility or equipment, other than a facility or equipment owned by an electric utility, as defined by Section 31.002, used to support the operation of a solar energy device, including an underground or aboveground electrical transmission or communications line, an electric transformer, a battery storage facility, an energy storage facility, telecommunications equipment, a road, a meteorological tower, or a maintenance yard.

(4) "Solar power facility agreement" means a lease agreement between a grantee and a landowner that authorizes the grantee to operate a solar power facility on the leased property.

Sec. 302.0002. APPLICABILITY. This chapter applies only to a solar power facility that is a generation asset as defined by Section 39.251.

Sec. 302.0003. WAIVER VOID; REMEDIES. (a) A provision of a solar power facility agreement that purports to waive a right or exempt a grantee from a liability or duty established by this chapter is void.

(b) A person who is harmed by a violation of this chapter is entitled to appropriate injunctive relief to prevent further violation of this chapter.

(c) The provisions of this section are not exclusive. The remedies provided in this section are in addition to any other procedures or remedies provided by other law.

Sec. 302.0004. REQUIRED AGREEMENT PROVISIONS ON FACILITY REMOVAL. (a) A solar power facility agreement must provide that the grantee is responsible for removing the grantee's solar power facilities from the landowner's property and that the grantee shall, in accordance with any other applicable laws or regulations, safely:

(1) clear, clean, and remove from the property each solar energy device, transformer, and substation;

(2) for each foundation of a solar energy device, transformer, or substation installed in the ground:

(A) clear, clean, and remove the foundation from the ground to a depth of at least three feet below the surface grade of the land in which the foundation is installed; and

(B) ensure that each hole or cavity created in the ground by the removal is filled with soil of the same type or a similar type as the predominant soil found on the property;

(3) for each buried cable, including power, fiber-optic, and communications cables, installed in the ground:

(A) clear, clean, and remove the cable from the ground to a depth of at least three feet below the surface grade of the land in which the cable is installed; and

(B) ensure that each hole or cavity created in the ground by the removal is filled with soil of the same type or a similar type as the predominant soil found on the property; and

(4) clear, clean, and remove from the property each overhead power or communications line installed by the grantee on the property.

(b) The agreement must provide that, at the request of the landowner, the grantee shall:

(1) clear, clean, and remove each road constructed by the grantee on the property; and

(2) ensure that each hole or cavity created in the ground by the removal is filled with soil of the same type or a similar type as the predominant soil found on the property.

(c) The agreement must provide that, at the request of the landowner, if reasonable, the grantee shall:

(1) remove from the property all rocks over 12 inches in diameter excavated during the decommissioning or removal process;

(2) return the property to a tillable state using scarification, V-rip, or disc methods, as appropriate; and

(3) ensure that:

(A) each hole or cavity created in the ground by the removal is filled with soil of the same type or a similar type as the predominant soil found on the property; and

(B) the surface is returned as near as reasonably possible to the same condition as before the grantee dug holes or cavities, including by reseeding pastureland with native grasses prescribed by an appropriate governmental agency, if any.

(d) The landowner shall make a request under Subsection (b) or (c) not later than the 180th day after the later of:

(1) the date on which the solar power facility is no longer capable of generating electricity in commercial quantities; or

(2) the date the landowner receives written notice of intent to decommission the solar power facility from the grantee.

Sec. 302.0005. REQUIRED AGREEMENT PROVISIONS ON FINANCIAL ASSURANCE. (a) A solar power facility agreement must provide that the grantee shall obtain and deliver to the landowner evidence of financial assurance that conforms to the requirements of this section to secure the performance of the grantee's obligation to remove the grantee's solar power facilities located on the landowner's property as described by Section 302.0004. Acceptable forms of financial assurance include a parent company guaranty with a minimum investment grade credit rating for the parent company issued by a major domestic credit rating agency, a letter of credit, a bond, or another form of financial assurance reasonably acceptable to the landowner.

(b) The amount of the financial assurance must be at least equal to the estimated amount by which the cost of removing the solar power facilities from the landowner's property and restoring the property to as near as reasonably possible the condition of the property as of the date the agreement begins exceeds the salvage value of the solar power facilities, less any portion of the value of the solar power facilities pledged to secure outstanding debt.

(c) The agreement must provide that:

(1) the estimated cost of removing the solar power facilities from the landowner's property and restoring the property to as near as reasonably possible the condition of the property as of the date the agreement begins and the estimated salvage value of the solar power facilities must be determined by an independent, third-party professional engineer licensed in this state;

(2) the grantee must deliver to the landowner an updated estimate, prepared by an independent, third-party professional engineer licensed in this state, of the cost of removal and the salvage value:

(A) on or before the 10th anniversary of the commercial operations date of the solar power facilities; and

(B) at least once every five years after the commercial operations date of the solar power facilities for the remainder of the term of the agreement; and

(3) the grantee is responsible for ensuring that the amount of the financial assurance remains sufficient to cover the amount required by Subsection (b), consistent with the estimates required by this subsection.

(d) The grantee is responsible for the costs of obtaining financial assurance described by this section and costs of determining the estimated removal costs and salvage value.

(e) The agreement must provide that the grantee shall deliver the financial assurance not later than the earlier of:

(1) the date the solar power facility agreement is terminated; or

(2) the 20th anniversary of the commercial operations date of the solar power facilities located on the landowner's leased property.

(f) For purposes of this section, "commercial operations date" means the date on which the solar power facilities are approved for participation in market operations by a regional transmission organization and does not include the generation of electrical energy or other operations conducted before that date for purposes of maintenance and testing.

(g) The grantee may not cancel financial assurance before the date the grantee has completed the grantee's obligation to remove the grantee's solar power facilities located on the landowner's property in the manner provided by this chapter, unless the grantee provides the landowner with replacement financial assurance at the time of or before the cancellation. In the event of a transfer of ownership of the grantee's solar power facilities, the financial security provided by the grantee shall remain in place until the date evidence of financial security meeting the requirements of this chapter is provided to the landowner.

SECTION 3. Chapter 302, Utilities Code, as added by this Act, applies only to a solar power facility agreement entered into on or after the effective date of this Act. A solar power facility agreement entered into before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2021.

The amendment was read.

Senator Springer moved to concur in the House amendment to **SB 760**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 630 WITH HOUSE AMENDMENT

Senator Hinojosa called **SB 630** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED

AN ACT

relating to the directors and administration of the Agua Special Utility District, including the grounds for removal of a director.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 7201.0513, Special District Local Laws Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) Each director shall complete an education program of not less than 10 hours ~~[Before the first election of directors, the initial board shall establish a program of education for directors]~~ that includes information on:

(1) the history of the district;

(2) the district's enabling legislation;

(3) Chapters 49 and 65, Water Code, and other laws that apply to the district, including the requirements of the:

(A) open meetings law, Chapter 551, Government Code; and

(B) public information law, Chapter 552, Government Code;
(4) relevant legal developments related to water district governance;
(5) the duties and responsibilities of the board;
(6) the requirements of conflict of interest laws and other laws relating to public officials; and
(7) any applicable ethics policies adopted by the Texas Commission on Environmental Quality or the Texas Ethics Commission.

(e) The education program must be made available so that each director may meet the requirements provided by Section 7201.054.

SECTION 2. Section 7201.054(a), Special District Local Laws Code, is amended to read as follows:

(a) Each ~~[Except for an initial director whose term expires in 2008, each]~~ director shall complete the education program established under Section 7201.0513 not later than the 90th day after ~~[before the first anniversary of]~~ the date on which the director takes the oath of office ~~[was appointed or elected]~~.

SECTION 3. Subchapter B, Chapter 7201, Special District Local Laws Code, is amended by adding Section 7201.0555 to read as follows:

Sec. 7201.0555. ELECTION OF DIRECTORS. (a) The district shall hold an election on the uniform election date in November of each even-numbered year to elect the appropriate number of directors.

(b) The district shall contract with the county elections administrator as provided by Subchapter D, Chapter 31, Election Code, to conduct the election of directors.

SECTION 4. Section 7201.058, Special District Local Laws Code, is amended to read as follows:

Sec. 7201.058. GROUNDS FOR REMOVAL. (a) A director may be removed from the board by a majority of the other directors if the director:

(1) does not have at the time of appointment the qualifications required by Section 7201.055(b);

(2) ~~[does not complete the initial board training required by Section 7201.0512;~~

~~[(3)]~~ does not complete the education program required by Section 7201.054;

(3) ~~[(4)]~~ does not meet the eligibility requirements under Section 7201.072;

(4) ~~[or (5)]~~ fails to comply with Section 7201.071; or

(5) misses one-half or more of the regularly scheduled meetings during the preceding 12 months.

(b) The board shall adopt procedures for the removal of a director under this section that are designed to provide due process to the director. Procedures adopted under this subsection must include reasonable notice and public hearing. Reasonable notice and a public hearing are not required if the director to be removed expressly waives the notice and hearing in writing.

SECTION 5. Section 7201.071, Special District Local Laws Code, is amended to read as follows:

Sec. 7201.071. PROHIBITED CONDUCT FOR DIRECTORS AND DISTRICT EMPLOYEES. A director or district employee may not:

(1) accept or solicit any gift, favor, or service that:

(A) might reasonably influence the director or employee in the discharge of an official duty; or

(B) the director or employee knows or should know is offered with the intent to influence the director's or employee's official conduct;

(2) accept other employment or engage in a business or professional activity that the director or employee might reasonably expect would require or induce the director or employee to disclose confidential information acquired in the course of the director's or employee's duties under this chapter;

(3) accept other employment or compensation that could reasonably be expected to impair the director's or employee's independent judgment in the performance of the director's or employee's duties under this chapter;

(4) make personal investments that could reasonably be expected to create a substantial conflict between the director's or employee's private interest and the interest of the district;

(5) intentionally or knowingly solicit, accept, or agree to accept a benefit for the director's or employee's exercise of powers under this chapter or performance of duties under this chapter in favor of a third party; ~~or~~

(6) have a personal interest in an agreement executed by the district; or

(7) be employed by, participate in the management of, or have a substantial interest in a business entity or other organization, other than a governmental entity, that receives money from the district.

SECTION 6. Subchapter B-1, Chapter 7201, Special District Local Laws Code, is amended by adding Section 7201.074 to read as follows:

Sec. 7201.074. LOCATION OF CERTAIN MEETINGS. A meeting at which the board or the general manager discusses the annual budget of the district must be held inside the district.

SECTION 7. A member of the board of directors of the Agua Special Utility District serving on the effective date of this Act shall continue in office until the member's successor qualifies for office.

SECTION 8. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

The amendment was read.

Senator Hinojosa moved to concur in the House amendment to **SB 630**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 600 WITH HOUSE AMENDMENT

Senator Perry called **SB 600** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED AN ACT

relating to an inventory of dams controlled by river authorities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 12, Water Code, is amended by adding Section 12.053 to read as follows:

Sec. 12.053. INVENTORY OF DAMS OPERATED BY RIVER AUTHORITIES. (a) This section applies only to a river authority described by Section 325.025(b), Government Code.

(b) Each river authority shall provide to the commission information regarding the operation and maintenance of dams under the control of that river authority. The commission by rule shall require a river authority to provide for each dam under its control at least the following information:

- (1) the location of the dam;
- (2) under whose jurisdiction the dam operates;
- (3) a required maintenance schedule for the dam;
- (4) costs of the operation and maintenance of the dam; and
- (5) the method of finance for the operation and maintenance costs of the

dam.

(c) A river authority shall submit the information required by Subsection (b) to the commission each year and in the event of a significant change in the information.

(d) Subject to federal and state confidentiality laws, the commission shall create and maintain an Internet website that contains the information collected under this section.

SECTION 2. This Act takes effect September 1, 2021.

The amendment was read.

Senator Perry moved to concur in the House amendment to **SB 600**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 804 WITH HOUSE AMENDMENT

Senator Menéndez called **SB 804** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 804** as follows:

On page 1, line 23, insert the following and renumber subsequent sections accordingly:

(b) Notwithstanding Subsection (a), no newly constructed hotel property may be added to the district unless the record owner of the property consents to its inclusion.

The amendment was read.

Senator Menéndez moved to concur in the House amendment to **SB 804**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 642 WITH HOUSE AMENDMENT

Senator West called **SB 642** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED
AN ACT

relating to the provision of mental health services for certain children at risk of relinquishment.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 262.351, Family Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (1-b) to read as follows:

(1) "Commission" means the Health and Human Services Commission.

(1-a) "Department" means the Department of Family and Protective Services.

(1-b) "Relinquishment avoidance program" means the Health and Human Services Commission's program that provides mental health services to a child with a severe emotional disturbance without the child entering the managing conservatorship of the department.

SECTION 2. Subchapter E, Chapter 262, Family Code, is amended by adding Section 262.353 to read as follows:

Sec. 262.353. PROCEDURE FOR RELINQUISHING CHILD TO OBTAIN SERVICES. (a) The commission may not require the department to conduct a child abuse or neglect investigation before allowing a child to participate in the relinquishment avoidance program unless there is an allegation of abuse or neglect of the child.

(b) A local mental or behavioral health authority may refer a child directly to the relinquishment avoidance program without first contacting the department.

(c) The department and the commission shall:

(1) jointly adopt comprehensive guidance for providers and families that describes:

(A) how to access services under the relinquishment avoidance program; and

(B) the child's and family's rights when the child's parent or legal guardian:

(i) relinquishes the child in order to obtain mental health services for the child; or

(ii) accesses services under the relinquishment avoidance program;

(2) publish the information described by Subdivision (1) on the agency's Internet website; and

(3) make the information described by Subdivision (1) available to caseworkers and families with a child who has a severe emotional disturbance.

(d) The department and the commission shall jointly adopt clear and concise protocols for families at risk of relinquishing a child for the sole purpose of accessing mental health services for the child. The protocols must:

(1) include procedures for determining eligibility for the relinquishment avoidance program, including emergency eligibility procedures for children who are at immediate risk of relinquishment;

(2) include procedures for applying for the relinquishment avoidance program;

(3) identify who will manage the case of a family eligible for the relinquishment avoidance program;

(4) identify the funding and resources for the relinquishment avoidance program; and

(5) identify the role of each party involved in the relinquishment avoidance program, including the department, the commission, contracted residential treatment centers, and local mental and behavioral health authorities.

(e) The department and local mental and behavioral health authorities shall follow the protocols adopted under Subsection (d).

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

The amendment was read.

Senator West moved to concur in the House amendment to **SB 642**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 2212 WITH HOUSE AMENDMENTS

Senator West called **SB 2212** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 2212** (house committee printing) to read as follows:

On page 1, lines 19-21,

(1) making the request or providing the treatment would clearly and immediately expose the officer or another person to ~~a risk~~ an imminent threat of serious bodily injury; or

Floor Amendment No. 1 on Third Reading

Amend **SB 2212** on third reading by striking the text on page 1, lines 19-21 (house committee report), as amended by the S. Thompson amendment and substituting the following:

(1) making the request or providing the treatment would expose the officer or another person to a risk of bodily injury; or

The amendments were read.

Senator West moved to concur in the House amendments to **SB 2212**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 2049 WITH HOUSE AMENDMENT

Senator Menéndez called **SB 2049** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED AN ACT

relating to guardians ad litem for children who are in the juvenile justice system and the child protective services system.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.11, Family Code, is amended by amending Subsection (a) and adding Subsections (a-1), (d), and (e) to read as follows:

(a) In this section:

(1) "Dual-system child" means a child who, at any time before the child's 18th birthday, was referred to the juvenile justice system and was involved in the child welfare system by being:

(A) placed in the temporary or permanent managing conservatorship of the Department of Family and Protective Services;

(B) the subject of a family-based safety services case with the Department of Family and Protective Services;

(C) an alleged victim of abuse or neglect in an active case being investigated by the Department of Family and Protective Services child protective investigations division; or

(D) a victim in a case in which the Department of Family and Protective Services investigation concluded that there was a reason to believe that abuse or neglect occurred.

(2) "Dual-status child" means a dual-system child who is involved with both the child welfare and juvenile justice systems at the same time.

(a-1) If a child appears before the juvenile court without a parent or guardian, the court shall appoint a guardian ad litem to protect the interests of the child. The juvenile court need not appoint a guardian ad litem if a parent or guardian appears with the child.

(d) The juvenile court may appoint the guardian ad litem appointed under Chapter 107 for a child in a suit affecting the parent-child relationship filed by the Department of Family and Protective Services to serve as the guardian ad litem for the child in a proceeding held under this title.

(e) A non-attorney guardian ad litem in a case involving a dual-system child may not:

(1) investigate any charges involving a dual-status child that are pending with the juvenile court; or

(2) offer testimony concerning the guilt or innocence of a dual-status child.

SECTION 2. Section 54.01(c), Family Code, is amended to read as follows:

(c) At the detention hearing, the court may consider written reports from probation officers, professional court employees, guardians ad litem appointed under Section 51.11(d), or professional consultants in addition to the testimony of witnesses. Prior to the detention hearing, the court shall provide the attorney for the child with access to all written matter to be considered by the court in making the detention decision. The court may order counsel not to reveal items to the child or the child's ~~his~~ parent, guardian, or guardian ad litem if such disclosure would materially harm the treatment and rehabilitation of the child or would substantially decrease the likelihood of receiving information from the same or similar sources in the future.

SECTION 3. Section 54.02(e), Family Code, is amended to read as follows:

(e) At the transfer hearing the court may consider written reports from probation officers, professional court employees, guardians ad litem appointed under Section 51.11(d), or professional consultants in addition to the testimony of witnesses. At least five days prior to the transfer hearing, the court shall provide the attorney for the child and the prosecuting attorney with access to all written matter to be considered by the court in making the transfer decision. The court may order counsel not to reveal items to the child or the child's parent, guardian, or guardian ad litem if such disclosure would materially harm the treatment and rehabilitation of the child or would substantially decrease the likelihood of receiving information from the same or similar sources in the future.

SECTION 4. Section 54.04(b), Family Code, is amended to read as follows:

(b) At the disposition hearing, the juvenile court, notwithstanding the Texas Rules of Evidence or Chapter 37, Code of Criminal Procedure, may consider written reports from probation officers, professional court employees, guardians ad litem appointed under Section 51.11(d), or professional consultants in addition to the testimony of witnesses. On or before the second day before the date of the disposition hearing, the court shall provide the attorney for the child and the prosecuting attorney with access to all written matter to be considered by the court in disposition. The court may order counsel not to reveal items to the child or the child's parent, guardian, or guardian ad litem if such disclosure would materially harm the treatment and rehabilitation of the child or would substantially decrease the likelihood of receiving information from the same or similar sources in the future.

SECTION 5. Section 54.05(e), Family Code, is amended to read as follows:

(e) After the hearing on the merits or facts, the court may consider written reports from probation officers, professional court employees, guardians ad litem appointed under Section 51.11(d), or professional consultants in addition to the testimony of other witnesses. On or before the second day before the date of the hearing to modify disposition, the court shall provide the attorney for the child and the prosecuting attorney with access to all written matter to be considered by the court in deciding whether to modify disposition. The court may order counsel not to reveal items to the child or the child's ~~[his]~~ parent, guardian, or guardian ad litem if such disclosure would materially harm the treatment and rehabilitation of the child or would substantially decrease the likelihood of receiving information from the same or similar sources in the future.

SECTION 6. Section 54.11(d), Family Code, is amended to read as follows:

(d) At a hearing under this section the court may consider written reports and supporting documents from probation officers, professional court employees, guardians ad litem appointed under Section 51.11(d), professional consultants, employees of the Texas Juvenile Justice Department, or employees of a post-adjudication secure correctional facility in addition to the testimony of witnesses. On or before the fifth day before the date of the hearing, the court shall provide the attorney for the person to be transferred or released under supervision with access to all written matter to be considered by the court. All written matter is admissible in evidence at the hearing.

SECTION 7. Section 107.011, Family Code, is amended by adding Subsection (e) to read as follows:

(e) The court may appoint the person appointed as guardian ad litem for the child under Section 51.11 to also serve as the guardian ad litem for the child under this section if the person is qualified under this chapter to serve as guardian ad litem.

SECTION 8. This Act takes effect September 1, 2021.

The amendment was read.

Senator Menéndez moved to concur in the House amendment to **SB 2049**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 611 WITH HOUSE AMENDMENT

Senator Campbell called **SB 611** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 611** (house committee report) as follows:

(1) Strike page 1, line 21, through page 2, line 9, and substitute the following:

(a) Except as provided by Section 11.439, the [The] chief appraiser shall accept and approve or deny an application for a residence homestead exemption~~[-including an exemption under Section 11.131 or 11.132 for the residence homestead of a disabled veteran or the surviving spouse of a disabled veteran, an exemption under~~

~~Section 11.133 for the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed in action, or an exemption under Section 11.134 for the residence homestead of the surviving spouse of a first responder who is killed or fatally injured in the line of duty;]~~ after the deadline for filing it has passed if it is filed not later than two years after the delinquency date for the taxes on the homestead.

(2) On page 2, between lines 9 and 10, insert the following appropriately numbered SECTIONS:

SECTION _____. The heading to Section 11.439, Tax Code, is amended to read as follows:

Sec. 11.439. LATE APPLICATIONS ~~[APPLICATION]~~ FOR DISABLED VETERANS EXEMPTIONS ~~[EXEMPTION]~~.

SECTION _____. Section 11.439(a), Tax Code, is amended to read as follows:

(a) The chief appraiser shall accept and approve or deny an application for an exemption under Section 11.131 or 11.132 for the residence homestead of a disabled veteran but not the surviving spouse of the disabled veteran or Section 11.22 after the filing deadline provided by Section 11.43 if the application is filed not later than five years after the delinquency date for the taxes on the property.

(3) Strike page 2, lines 12 through 19, and substitute the following appropriately numbered SECTIONS:

SECTION _____. Sections 11.431 and 11.439, Tax Code, as amended by this Act, apply only to an application for an exemption filed for a tax year that begins on or after the effective date of this Act.

SECTION _____. (a) Except as provided by Subsection (b) of this section, this Act takes effect January 1, 2022.

(b) Section 11.133, Tax Code, as amended by this Act, takes effect January 1, 2022, but only if the constitutional amendment proposed by the 87th Legislature, Regular Session, 2021, authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty is approved by the voters. If that amendment is not approved by the voters, Section 11.133, Tax Code, as amended by this Act, has no effect.

(4) Renumber the SECTIONS of the bill accordingly.

The amendment was read.

Senator Campbell moved to concur in the House amendment to **SB 611**.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Johnson.

SENATE BILL 959 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 959** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 959** (house committee report) on page 1, line 11, between "board" and "shall", by inserting ", in the manner and to the extent the board considers appropriate and in consultation with those colleges,".

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 959**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1900 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 1900** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED
AN ACT

relating to the regulatory authority of the savings and mortgage lending commissioner; authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 92.554(a), Finance Code, is amended to read as follows:

(a) On receipt of an application, the commissioner shall submit to the Texas Register for publication in the next issue after the date the application is received or publish in a newspaper of general circulation that is printed in English in the county in which the savings bank is to have the savings bank's principal office:

- (1) notice of the application;
- (2) the date the application was filed; and
- (3) the identity of each party to the application.

SECTION 2. Subchapter B, Chapter 96, Finance Code, is amended by adding Section 96.0551 to read as follows:

Sec. 96.0551. REGULATION AND EXAMINATION OF CERTAIN RELATED ENTITIES. (a) In this section, "state savings bank" has the meaning assigned by Section 31.002.

(b) The commissioner may regulate and examine, to the same extent as if the services or activities were performed by a state savings bank on its own premises:

- (1) the activities of a state savings bank affiliate; and
- (2) the services or activities of a third-party service provider that a state savings bank or state savings bank affiliate has contracted for or otherwise arranged to be performed on behalf of the state savings bank or state savings bank affiliate.

(c) The commissioner may collect a fee from an examined third-party service provider or affiliate in connection with each examination to cover the cost of the examination or may collect that fee from the state savings banks that use the examined third-party service provider.

(d) For purposes of this section, a third-party service provider or state savings bank affiliate does not include a company or firm in which ownership or membership is limited to individuals and conditioned by law on the existence and maintenance of professional licensing.

(e) To promote regulatory efficiency, if, in the preceding 24 months, a third-party service provider or affiliate has been examined by a federal or state financial services regulatory agency or by a member agency of the Federal Financial Institutions Examination Council, or its successor agency, the commissioner may accept the results of that examination instead of conducting the commissioner's own examination of the third-party service provider or affiliate. Nothing in this subsection shall be construed as limiting or restricting the commissioner from participating in an examination of a third-party service provider or affiliate conducted by a federal or state financial services regulatory agency or by a member agency of the Federal Financial Institutions Examination Council, or its successor agency.

(f) A third-party service provider that refuses to submit to examination or to pay an assessed fee for examination under this section is subject to an enforcement action under Chapter 96. With respect to a third-party service provider's refusal to submit to examination, the commissioner may notify all state savings banks of the refusal and warn that continued use of the third-party service provider may constitute an unsafe and unsound banking practice.

SECTION 3. Section 97.006, Finance Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) The commissioner may:

(1) examine a holding company that controls a state savings bank to the same extent as if the holding company were a state savings bank; and

(2) bring an enforcement action under Chapter 96 against a holding company described by Subdivision (1) or other person that violates or participates in a violation of this subtitle, an agreement filed with the commissioner under this chapter, or a rule adopted by the finance commission or order issued by the commissioner under this subtitle, as if the holding company were a state savings bank.

(g) The grounds, procedures, and effects of an enforcement action brought under Subsection (f) apply to a holding company, an officer, director, or employee of a holding company, or a controlling shareholder or other person participating in the affairs of a holding company in the same manner as the grounds, procedures, and effects apply to a state savings bank, an officer, director, or employee of a state savings bank, or a controlling shareholder or other person participating in the affairs of a state savings bank.

(h) A state savings bank that is controlled by a holding company that is not a Texas holding company shall be subject to all laws of this state that are applicable to state savings banks that are controlled by Texas holding companies.

SECTION 4. Section 156.2041(a), Finance Code, is amended to read as follows:

(a) To be issued a mortgage company license, an applicant must:

(1) submit a completed application together with the payment of applicable fees through the Nationwide Mortgage Licensing System and Registry;

(2) designate control persons for the mortgage company through the Nationwide Mortgage Licensing System and Registry;

(3) designate an individual licensed as a residential mortgage loan originator under Chapter 157 as the company's qualifying individual;

(4) submit a completed branch application through the Nationwide Mortgage Licensing System and Registry for each branch office that engages in residential mortgage loan activity on residential real estate located in this state;

(5) not be in violation of this chapter, a rule adopted under this chapter, or any order previously issued by the commissioner to the applicant;

(6) have the company name or assumed name properly filed with either the secretary of state or with the appropriate county clerk's office; and

(7) ~~[maintain a physical office in this state; and~~

~~[(8)]~~ provide financial statements and any other information required by the commissioner.

SECTION 5. Section 156.2042(a), Finance Code, is amended to read as follows:

(a) To be issued a credit union subsidiary organization license, an applicant must:

(1) submit a completed application together with the payment of applicable fees through the Nationwide Mortgage Licensing System and Registry;

(2) designate control persons for the organization through the Nationwide Mortgage Licensing System and Registry;

(3) designate an individual licensed as a residential mortgage loan originator under Chapter 157 as the company's qualifying individual;

(4) submit a completed branch application through the Nationwide Mortgage Licensing System and Registry for each branch office that engages in residential mortgage loan activity on residential real estate located in this state; and

(5) not be in violation of this chapter, a rule adopted under this chapter, or any order previously issued by the commissioner to the applicant; ~~and~~

~~[(6) maintain a physical office in this state].~~

SECTION 6. Section 156.501(c), Finance Code, is amended to read as follows:

(c) Amounts in the recovery fund may be invested and reinvested in accordance with Chapter 2256, Government Code, and under the prudent person standard described by Section 11b, Article VII, Texas Constitution ~~[in the same manner as funds of the Employees Retirement System of Texas]~~, and the interest from these investments shall be deposited to the credit of the fund. An investment may not be made under this subsection if the investment will impair the necessary liquidity required to satisfy judgment payments awarded under this subchapter.

SECTION 7. The following provisions of the Finance Code are repealed:

(1) Sections 156.212(a) and (a-1);

(2) Sections 156.501(d) and (f); and

(3) Section 156.502(b).

SECTION 8. Section 92.554(a), Finance Code, as amended by this Act, applies only to an application filed on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 9. Section 156.501(c), Finance Code, as amended by this Act, applies only to an investment made on or after the effective date of this Act. An investment made before the effective date of this Act is governed by the law in effect on the date the investment was made, and the former law is continued in effect for that purpose.

SECTION 10. This Act takes effect September 1, 2021.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 1900**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1441 WITH HOUSE AMENDMENT

Senator Campbell called **SB 1441** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED AN ACT

relating to withdrawals of water from the Edwards Aquifer to supply a military installation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 1.33, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 1.33. WELL METERING AND PERMITTING EXEMPTIONS
[EXEMPTION].

SECTION 2. Section 1.33, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by adding Subsections (e), (f), and (g) to read as follows:

(e) In addition to permitted withdrawals from the aquifer, a municipally owned utility owned by the City of San Antonio, without a permit, may withdraw groundwater from the aquifer if:

(1) the utility uses the groundwater to supply a military installation with water for human consumption, irrigation, operations, mission support, or infrastructure maintenance;

(2) the utility and the military installation enter into a contract requiring the installation to reduce its groundwater withdrawals from the aquifer by the same amount of withdrawn water the installation receives from the utility; and

(3) the utility complies with rules adopted by the authority that allow the authority to monitor groundwater withdrawals from the aquifer by the utility and determine amounts of groundwater exempted from permitting in accordance with this subsection, including rules requiring the reporting of amounts supplied by the utility to the military installation and amounts by which the military installation reduces the installation's groundwater withdrawals from the aquifer.

(f) Subsection (e) of this section does not alter the obligations of a military installation under a biological opinion issued by a federal agency.

(g) The amount of water provided by a municipally owned utility to a military installation under Subsection (e) of this section may not exceed the maximum amount of water that the military installation is authorized to withdraw from the aquifer under a biological opinion issued by a federal agency.

SECTION 3. This Act takes effect September 1, 2021.

The amendment was read.

Senator Campbell moved to concur in the House amendment to **SB 1441**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 2054 WITH HOUSE AMENDMENT

Senator Menéndez called **SB 2054** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 2054** (house committee report) as follows:

(1) Strike page 2, line 12 through page 2, line 27, and substitute the following:
Workforce Commission amounts sufficient to cover the cost of implementing the program under Section 521.168, including amounts sufficient for the payment by the Texas Workforce Commission of:

(A) fees to entities other than the department; and

(B) the Texas Workforce Commission's implementation costs; and

(2) for ~~For~~ each exemption granted under Section 521.1015 or 521.1811, ~~the department shall~~ deposit to the credit of the Texas mobility fund an amount ~~from the identification fee exemption account under Subsection (a)~~ that is equal to the amount of the waived fee that would otherwise be deposited to the mobility fund.

(c) The department may not:

(1) request a transfer under Subsection (b)(1) if the balance of the account for the fiscal year is less than three times the amount expended in the previous fiscal year for the waivers provided by Sections 521.1015(e) and 521.1811; or

(2) On page 3, line 3, strike "(b)(3)" and substitute "(b)(2)".

The amendment was read.

Senator Menéndez moved to concur in the House amendment to **SB 2054**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1679 WITH HOUSE AMENDMENTS

Senator Alvarado called **SB 1679** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 1679** (house committee report) on page 21 as follows:

(1) On line 3, strike the underlined comma.

(2) On line 5, between the underlined comma and "to", insert "either under an agreement with the municipality or entity or to comply with an official action of the municipality or entity,".

Floor Amendment No. 2

Amend **SB 1679** (house committee report) by striking page 25, line 25, through page 26, line 1, and substituting "funds to the land bank.".

The amendments were read.

Senator Alvarado moved to concur in the House amendments to **SB 1679**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 827 WITH HOUSE AMENDMENT

Senator Kolkhorst called **SB 827** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED

AN ACT

relating to health benefit plan cost-sharing requirements for prescription insulin.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 1358, Insurance Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. COST-SHARING LIMIT

Sec. 1358.101. APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies only to a health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or a small or large employer group contract or similar coverage document that is offered by:

- (1) an insurance company;
- (2) a group hospital service corporation operating under Chapter 842;
- (3) a fraternal benefit society operating under Chapter 885;
- (4) a stipulated premium company operating under Chapter 884;
- (5) a reciprocal exchange operating under Chapter 942;
- (6) a health maintenance organization operating under Chapter 843;
- (7) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846; or
- (8) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844.

(b) This subchapter applies to group health coverage made available by a school district in accordance with Section 22.004, Education Code.

(c) Notwithstanding any provision in Chapter 1551, 1575, 1579, or 1601 or any other law, this subchapter applies to:

- (1) a basic coverage plan under Chapter 1551;
- (2) a basic plan under Chapter 1575;
- (3) a primary care coverage plan under Chapter 1579; and
- (4) basic coverage under Chapter 1601.

(d) Notwithstanding any other law, this subchapter applies to coverage under:

(1) the child health plan program under Chapter 62, Health and Safety Code, or the health benefits plan for children under Chapter 63, Health and Safety Code; and

(2) the medical assistance program under Chapter 32, Human Resources Code.

Sec. 1358.102. EXCEPTION. This subchapter does not apply to:

(1) a health benefit plan that provides coverage:

(A) only for a specified disease or for another single benefit;

(B) only for accidental death or dismemberment;

(C) for wages or payments in lieu of wages for a period during which an employee is absent from work because of sickness or injury;

(D) as a supplement to a liability insurance policy;

(E) for credit insurance;

(F) only for dental or vision care;

(G) only for hospital expenses; or

(H) only for indemnity for hospital confinement;

(2) a Medicare supplemental policy as defined by Section 1882(g)(1), Social Security Act (42 U.S.C. Section 1395ss);

(3) medical payment insurance coverage provided under a motor vehicle insurance policy;

(4) a long-term care insurance policy, including a nursing home fixed indemnity policy, unless the commissioner determines that the policy provides benefit coverage so comprehensive that the policy is a health benefit plan as described by Section 1358.101;

(5) health and accident coverage provided by a risk pool created under Chapter 172, Local Government Code; or

(6) a workers' compensation insurance policy.

Sec. 1358.103. LIMIT ON COST-SHARING REQUIREMENT. (a) In this section, "insulin" means a prescription drug that contains insulin and is used to treat diabetes. The term does not include an insulin drug that is administered to a patient intravenously.

(b) A health benefit plan may not impose a cost-sharing provision for insulin that is included in the health benefit plan's formulary if the total amount the enrollee is required to pay exceeds \$25 per prescription for a 30-day supply, regardless of the amount or type of insulin needed to fill the enrollee's prescription.

Sec. 1358.104. FORMULARY REQUIREMENT. A health benefit plan must include at least one insulin from each therapeutic class in the plan's formulary.

SECTION 2. The changes in law made by this Act apply only to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2022. A health benefit plan delivered, issued for delivery, or renewed before January 1, 2022, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2021.

The amendment was read.

Senator Kolkhorst moved to concur in the House amendment to **SB 827**.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Alvarado, Bettencourt, Blanco, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Nays: Birdwell, Hall, Nichols.

SENATE BILL 1117 WITH HOUSE AMENDMENT

Senator Kolkhorst called **SB 1117** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED AN ACT

relating to the composition of the board of directors of the Fort Bend Subsidence District, including a director's qualifications and term.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 8834.051, Special District Local Laws Code, is amended by amending Subsections (a), (e), and (i) and adding Subsection (g-1) to read as follows:

(a) The district is governed by a board of 17 ~~[45]~~ directors appointed as provided by this section.

(e) The mayor of each of the following municipalities shall appoint a director from the mayor's respective municipality:

- (1) Houston;
- (2) Missouri City;
- (3) Stafford;
- (4) Sugar Land;
- (5) Rosenberg; ~~and~~
- (6) Richmond; and
- (7) Fulshear.

(g-1) The mayors described by Subsections (e) and (g) jointly shall appoint one director who represents the district at large.

(i) The directors shall serve staggered terms as follows:

(1) five members appointed under Subsection (e) and four members appointed under Subsection (f) shall serve terms expiring on January 1 of odd-numbered years; and

(2) two members [~~one member~~] appointed under Subsection (e), two members appointed under Subsection (f), one member appointed under Subsection (g), one member appointed under Subsection (g-1), and two members appointed under Subsection (h) shall serve terms expiring on January 1 of even-numbered years.

SECTION 2. Not later than November 1, 2021, the appropriate appointing authorities shall appoint members of the board of directors of the Fort Bend Subsidence District as provided by Section 8834.051, Special District Local Laws Code, as amended by this Act.

SECTION 3. The Fort Bend Subsidence District retains all the rights, powers, privileges, authority, duties, and functions that it had before the effective date of this Act.

SECTION 4. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

The amendment was read.

Senator Kolkhorst moved to concur in the House amendment to **SB 1117**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1137 WITH HOUSE AMENDMENT

Senator Kolkhorst called **SB 1137** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment**A BILL TO BE ENTITLED
AN ACT**

relating to the required disclosure of prices for certain items and services provided by certain medical facilities; providing administrative penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle G, Title 4, Health and Safety Code, is amended by adding Chapter 327 to read as follows:

CHAPTER 327. DISCLOSURE OF PRICES

Sec. 327.001. **DEFINITIONS.** In this chapter:

(1) "Ancillary service" means a facility item or service that a facility customarily provides as part of a shoppable service.

(2) "Chargemaster" means the list of all facility items or services maintained by a facility for which the facility has established a charge.

(3) "Commission" means the Health and Human Services Commission.

(4) "De-identified maximum negotiated charge" means the highest charge that a facility has negotiated with all third party payors for a facility item or service.

(5) "De-identified minimum negotiated charge" means the lowest charge that a facility has negotiated with all third party payors for a facility item or service.

(6) "Discounted cash price" means the charge that applies to an individual who pays cash, or a cash equivalent, for a facility item or service.

(7) "Facility" means a hospital licensed under Chapter 241.

(8) "Facility items or services" means all items and services, including individual items and services and service packages, that may be provided by a facility to a patient in connection with an inpatient admission or an outpatient department visit, as applicable, for which the facility has established a standard charge, including:

(A) supplies and procedures;

(B) room and board;

(C) use of the facility and other areas, the charges for which are generally referred to as facility fees;

(D) services of physicians and non-physician practitioners, employed by the facility, the charges for which are generally referred to as professional charges; and

(E) any other item or service for which a facility has established a standard charge.

(9) "Gross charge" means the charge for a facility item or service that is reflected on a facility's chargemaster, absent any discounts.

(10) "Machine-readable format" means a digital representation of information in a file that can be imported or read into a computer system for further processing. The term includes .XML, .JSON, and .CSV formats.

(11) "Payor-specific negotiated charge" means the charge that a facility has negotiated with a third party payor for a facility item or service.

(12) "Service package" means an aggregation of individual facility items or services into a single service with a single charge.

(13) "Shoppable service" means a service that may be scheduled by a health care consumer in advance.

(14) "Standard charge" means the regular rate established by the facility for a facility item or service provided to a specific group of paying patients. The term includes all of the following, as defined under this section:

- (A) the gross charge;
- (B) the payor-specific negotiated charge;
- (C) the de-identified minimum negotiated charge;
- (D) the de-identified maximum negotiated charge; and
- (E) the discounted cash price.

(15) "Third party payor" means an entity that is, by statute, contract, or agreement, legally responsible for payment of a claim for a facility item or service.

Sec. 327.002. PUBLIC AVAILABILITY OF PRICE INFORMATION REQUIRED. Notwithstanding any other law, a facility must make public:

- (1) a digital file in a machine-readable format that contains a list of all standard charges for all facility items or services as described by Section 327.003; and
- (2) a consumer-friendly list of standard charges for a limited set of shoppable services as provided in Section 327.004.

Sec. 327.003. LIST OF STANDARD CHARGES REQUIRED. (a) A facility shall:

(1) maintain a list of all standard charges for all facility items or services in accordance with this section; and

(2) ensure the list required under Subdivision (1) is available at all times to the public, including by posting the list electronically in the manner provided by this section.

(b) The standard charges contained in the list required to be maintained by a facility under Subsection (a) must reflect the standard charges applicable to that location of the facility, regardless of whether the facility operates in more than one location or operates under the same license as another facility.

(c) The list required under Subsection (a) must include the following items, as applicable:

- (1) a description of each facility item or service provided by the facility;
- (2) the following charges for each individual facility item or service when provided in either an inpatient setting or an outpatient department setting, as applicable:

- (A) the gross charge;
- (B) the de-identified minimum negotiated charge;
- (C) the de-identified maximum negotiated charge;
- (D) the discounted cash price; and
- (E) the payor-specific negotiated charge, listed by the name of the third

party payor and plan associated with the charge and displayed in a manner that clearly associates the charge with each third party payor and plan; and

(3) any code used by the facility for purposes of accounting or billing for the facility item or service, including the Current Procedural Terminology (CPT) code, the Healthcare Common Procedure Coding System (HCPCS) code, the Diagnosis Related Group (DRG) code, the National Drug Code (NDC), or other common identifier.

(d) The information contained in the list required under Subsection (a) must be published in a single digital file that is in a machine-readable format.

(e) The list required under Subsection (a) must be displayed in a prominent location on the home page of the facility's publicly accessible Internet website or accessible by selecting a dedicated link that is prominently displayed on the home page of the facility's publicly accessible Internet website. If the facility operates multiple locations and maintains a single Internet website, the list required under Subsection (a) must be posted for each location the facility operates in a manner that clearly associates the list with the applicable location of the facility.

(f) The list required under Subsection (a) must:

(1) be available:

(A) free of charge;

(B) without having to establish a user account or password;

(C) without having to submit personal identifying information; and

(D) without having to overcome any other impediment, including entering a code to access the list;

(2) be accessible to a common commercial operator of an Internet search engine to the extent necessary for the search engine to index the list and display the list as a result in response to a search query of a user of the search engine;

(3) be formatted in a manner prescribed by the commission;

(4) be digitally searchable; and

(5) use the following naming convention specified by the Centers for Medicare and Medicaid Services, specifically:

<ein> <facility-name> _standardcharges.[json|xml|csv]

(g) In prescribing the format of the list under Subsection (f)(3), the commission shall:

(1) develop a template that each facility must use in formatting the list; and

(2) in developing the template under Subdivision (1):

(A) consider any applicable federal guidelines for formatting similar lists required by federal law or rule and ensure that the design of the template enables health care researchers to compare the charges contained in the lists maintained by each facility; and

(B) design the template to be substantially similar to the template used by the Centers for Medicare and Medicaid Services for purposes similar to those of this chapter, if the commission determines that designing the template in that manner serves the purposes of Paragraph (A) and that the commission benefits from developing and requiring that substantially similar design.

(h) The facility must update the list required under Subsection (a) at least once each year. The facility must clearly indicate the date on which the list was most recently updated, either on the list or in a manner that is clearly associated with the list.

Sec. 327.004. CONSUMER-FRIENDLY LIST OF SHOPPABLE SERVICES.

(a) Except as provided by Subsection (c), a facility shall maintain and make publicly available a list of the standard charges described by Sections 327.003(c)(2)(B), (C),

(D), and (E) for each of at least 300 shoppable services provided by the facility. The facility may select the shoppable services to be included in the list, except that the list must include:

(1) the 70 services specified as shoppable services by the Centers for Medicare and Medicaid Services; or

(2) if the facility does not provide all of the shoppable services described by Subdivision (1), as many of those shoppable services the facility does provide.

(b) In selecting a shoppable service for purposes of inclusion in the list required under Subsection (a), a facility must:

(1) consider how frequently the facility provides the service and the facility's billing rate for that service; and

(2) prioritize the selection of services that are among the services most frequently provided by the facility.

(c) If a facility does not provide 300 shoppable services, the facility must maintain a list of the total number of shoppable services that the facility provides in a manner that otherwise complies with the requirements of Subsection (a).

(d) The list required under Subsection (a) or (c), as applicable, must:

(1) include:

(A) a plain-language description of each shoppable service included on the list;

(B) the payor-specific negotiated charge that applies to each shoppable service included on the list and any ancillary service, listed by the name of the third party payor and plan associated with the charge and displayed in a manner that clearly associates the charge with the third party payor and plan;

(C) the discounted cash price that applies to each shoppable service included on the list and any ancillary service or, if the facility does not offer a discounted cash price for one or more of the shoppable or ancillary services on the list, the gross charge for the shoppable service or ancillary service, as applicable;

(D) the de-identified minimum negotiated charge that applies to each shoppable service included on the list and any ancillary service;

(E) the de-identified maximum negotiated charge that applies to each shoppable service included on the list and any ancillary service; and

(F) any code used by the facility for purposes of accounting or billing for each shoppable service included on the list and any ancillary service, including the Current Procedural Terminology (CPT) code, the Healthcare Common Procedure Coding System (HCPCS) code, the Diagnosis Related Group (DRG) code, the National Drug Code (NDC), or other common identifier; and

(2) if applicable:

(A) state each location at which the facility provides the shoppable service and whether the standard charges included in the list apply at that location to the provision of that shoppable service in an inpatient setting, an outpatient department setting, or in both of those settings, as applicable; and

(B) indicate if one or more of the shoppable services specified by the Centers for Medicare and Medicaid Services is not provided by the facility.

(e) The list required under Subsection (a) or (c), as applicable, must be:

(1) displayed in the manner prescribed by Section 327.003(e) for the list required under that section;

(2) available:

(A) free of charge;

(B) without having to register or establish a user account or password;

(C) without having to submit personal identifying information; and

(D) without having to overcome any other impediment, including entering a code to access the list;

(3) searchable by service description, billing code, and payor;

(4) updated in the manner prescribed by Section 327.003(h) for the list required under that section;

(5) accessible to a common commercial operator of an Internet search engine to the extent necessary for the search engine to index the list and display the list as a result in response to a search query of a user of the search engine; and

(6) formatted in a manner that is consistent with the format prescribed by the commission under Section 327.003(f)(3).

(f) Notwithstanding any other provision of this section, a facility is considered to meet the requirements of this section if the facility maintains, as determined by the commission, an Internet-based price estimator tool that:

(1) provides a cost estimate for each shoppable service and any ancillary service included on the list maintained by the facility under Subsection (a);

(2) allows a person to obtain an estimate of the amount the person will be obligated to pay the facility if the person elects to use the facility to provide the service; and

(3) is:

(A) prominently displayed on the facility's publicly accessible Internet website; and

(B) accessible to the public:

(i) without charge; and

(ii) without having to register or establish a user account or password.

Sec. 327.005. REPORTING REQUIREMENT. Each time a facility updates a list as required under Sections 327.003(h) and 327.004(e)(4), the facility shall submit the updated list to the commission. The commission may prescribe the form in which the updated list must be submitted to the commission.

Sec. 327.006. MONITORING AND ENFORCEMENT. (a) The commission shall monitor each facility's compliance with the requirements of this chapter using any of the following methods:

(1) evaluating complaints made by persons to the commission regarding noncompliance with this chapter;

(2) reviewing any analysis prepared regarding noncompliance with this chapter;

(3) auditing the Internet websites of facilities for compliance with this chapter; and

(4) confirming that each facility submitted the lists required under Section 327.005.

(b) If the commission determines that a facility is not in compliance with a provision of this chapter, the commission may take any of the following actions, without regard to the order of the actions:

(1) provide a written notice to the facility that clearly explains the manner in which the facility is not in compliance with this chapter;

(2) request a corrective action plan from the facility if the facility has materially violated a provision of this chapter, as determined under Section 327.007; and

(3) impose an administrative penalty on the facility and publicize the penalty on the commission's Internet website if the facility fails to:

(A) respond to the commission's request to submit a corrective action plan; or

(B) comply with the requirements of a corrective action plan submitted to the commission.

Sec. 327.007. MATERIAL VIOLATION; CORRECTIVE ACTION PLAN. (a) A facility materially violates this chapter if the facility fails to:

(1) comply with the requirements of Section 327.002; or

(2) publicize the facility's standard charges in the form and manner required by Sections 327.003 and 327.004.

(b) If the commission determines that a facility has materially violated this chapter, the commission may issue a notice of material violation to the facility and request that the facility submit a corrective action plan. The notice must indicate the form and manner in which the corrective action plan must be submitted to the commission, and clearly state the date by which the facility must submit the plan.

(c) A facility that receives a notice under Subsection (b) must:

(1) submit a corrective action plan in the form and manner, and by the specified date, prescribed by the notice of violation; and

(2) as soon as practicable after submission of a corrective action plan to the commission, act to comply with the plan.

(d) A corrective action plan submitted to the commission must:

(1) describe in detail the corrective action the facility will take to address any violation identified by the commission in the notice provided under Subsection (b); and

(2) provide a date by which the facility will complete the corrective action described by Subdivision (1).

(e) A corrective action plan is subject to review and approval by the commission. After the commission reviews and approves a facility's corrective action plan, the commission may monitor and evaluate the facility's compliance with the plan.

(f) A facility is considered to have failed to respond to the commission's request to submit a corrective action plan if the facility fails to submit a corrective action plan:

(1) in the form and manner specified in the notice provided under Subsection (b); or

(2) by the date specified in the notice provided under Subsection (b).

(g) A facility is considered to have failed to comply with a corrective action plan if the facility fails to address a violation within the specified period of time contained in the plan.

Sec. 327.008. ADMINISTRATIVE PENALTY. (a) The commission may impose an administrative penalty on a facility in accordance with Chapter 241 if the facility fails to:

(1) respond to the commission's request to submit a corrective action plan;
or

(2) comply with the requirements of a corrective action plan submitted to the commission.

(b) The commission may impose an administrative penalty on a facility for a violation of each requirement of this chapter. The commission shall set the penalty in an amount sufficient to ensure compliance by facilities with the provisions of this chapter subject to the limitations prescribed by Subsection (c).

(c) For a facility with one of the following total gross revenues as reported to the Centers for Medicare and Medicaid Services or to another entity designated by commission rule in the year preceding the year in which a penalty is imposed, the penalty imposed by the commission may not exceed:

(1) \$10 for each day the facility violated this chapter, if the facility's total gross revenue is less than \$10,000,000;

(2) \$100 for each day the facility violated this chapter, if the facility's total gross revenue is \$10,000,000 or more and less than \$100,000,000; and

(3) \$1,000 for each day the facility violated this chapter, if the facility's total gross revenue is \$100,000,000 or more.

(d) Each day a violation continues is considered a separate violation.

(e) In determining the amount of the penalty, the commission shall consider:

(1) previous violations by the facility's operator;

(2) the seriousness of the violation;

(3) the demonstrated good faith of the facility's operator; and

(4) any other matters as justice may require.

(f) An administrative penalty collected under this chapter shall be deposited to the credit of an account in the general revenue fund administered by the commission. Money in the account may be appropriated only to the commission.

Sec. 327.009. LEGISLATIVE RECOMMENDATIONS. The commission may propose to the legislature recommendations for amending this chapter, including recommendations in response to amendments by the Centers for Medicare and Medicaid Services to 45 C.F.R. Part 180.

SECTION 2. This Act takes effect September 1, 2021.

The amendment was read.

Senator Kolkhorst moved to concur in the House amendment to **SB 1137**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1578 WITH HOUSE AMENDMENTS

Senator Kolkhorst called **SB 1578** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 1578** (house committee printing) as follows:

- (1) On page 2, line 4, strike "may" and substitute "shall".
- (2) On page 3, line 1, strike "may" and substitute "shall".

Floor Amendment No. 2

Amend **SB 1578** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill as appropriate:

SECTION _____. Section 261.3017, Family Code, is amended by amending Subsections (b) and (c) and adding Subsections (c-1), (c-2), and (e) to read as follows:

(b) Any agreement between the department and the network or between the Department of State Health Services and the system to provide assistance in connection with abuse and neglect investigations conducted by the department must require the network and the system to have the ability to obtain consultations with physicians licensed to practice medicine in this state and board certified in the relevant field or specialty, including radiologists, geneticists, orthopedists, and endocrinologists, to diagnose and treat certain ~~[who specialize in identifying]~~ unique health conditions, including:

- (1) rickets;
- (2) Ehlers-Danlos Syndrome;
- (3) osteogenesis imperfecta;
- (4) vitamin D deficiency; and

(5) other medical conditions that mimic child maltreatment or increase the risk of misdiagnosis of child maltreatment ~~[similar metabolic bone diseases or connective tissue disorders]~~.

(c) During ~~[If, during]~~ an abuse or neglect investigation authorized by this subchapter or an assessment provided under Subsection (b), the department ~~[or a physician in the network determines that a child requires a specialty consultation with a physician, the department or the physician]~~ shall refer the child's case ~~[to the system]~~ for a specialty ~~[the]~~ consultation~~[;]~~ if:

(1) the department determines the child requires a specialty consultation with a physician;

(2) the child's primary care physician or other primary health care provider who provided health care or treatment or otherwise evaluated the child recommends a specialty consultation; or

(3) the child's parent or legal guardian or, if represented by an attorney, the attorney of the parent or legal guardian requests a specialty consultation ~~[the system has available capacity to take the child's case]~~.

(c-1) For a case in which a specialty consultation is required by Subsection (c), the department shall refer the case to a physician who:

(1) is licensed to practice medicine in this state under Subtitle B, Title 3, Occupations Code;

(2) is board certified in a field or specialty relevant to diagnosing and treating the conditions described by Subsection (b); and

(3) was not involved with the report of suspected abuse or neglect.

(c-2) Before referring a child's case under Subsection (c), the department shall provide to the child's parent or legal guardian or, if represented by an attorney, the attorney of the parent or legal guardian written notice of the name, contact information, and credentials of the specialist. The parent, legal guardian, or attorney, as applicable, may object to the proposed referral and request referral to another specialist. The department and the parent, legal guardian, or attorney, as applicable, shall collaborate in good faith to select an acceptable specialist from the proposed specialists.

(e) This section may not be construed to prohibit a child's parent or legal guardian or, if represented by an attorney, the attorney of the parent or legal guardian from otherwise obtaining an alternative opinion at the parent's, legal guardian's, or attorney's, as applicable, own initiative and expense. The department shall accept and consider an alternative opinion obtained and provided under this section and shall document its analysis and determinations regarding the opinion.

SECTION _____. Subchapter D, Chapter 261, Family Code, is amended by adding Section 261.30175 to read as follows:

Sec. 261.30175. MITIGATION OF PROVIDER CONFLICTS IN ABUSE OR NEGLECT INVESTIGATION CONSULTATIONS. (a) In this section:

(1) "Forensic assessment" means a medical examination, psychosocial evaluation, medical case review, specialty evaluation, or other forensic evaluation service conducted by a physician under Section 261.3017 in connection with any investigation of a suspected case of abuse or neglect for the primary purpose of providing the department, law enforcement, or the court with expert advice, recommendations, or testimony on the case.

(2) "Health care practitioner" means an individual licensed, certified, or otherwise authorized to administer health care services in the ordinary course of business or professional practice. The term includes a physician, medical student, resident physician, child abuse fellow, advanced practice registered nurse, nurse, and physician assistant.

(3) "Network" has the meaning assigned by Section 261.3017.

(4) "System" has the meaning assigned by Section 261.3017.

(b) A health care practitioner who reports suspected abuse or neglect of a child may not provide forensic assessment services in connection with an investigation resulting from the report. This subsection applies regardless of whether the practitioner is a member of the network or system.

(c) When referring a case for forensic assessment, the department shall refer the case to a physician authorized to practice medicine in this state under Subtitle B, Title 3, Occupations Code, who was not involved with the report of suspected abuse or neglect.

(d) This section may not be construed to:

(1) prohibit the department from interviewing the health care practitioner in the practitioner's capacity as a principal or collateral source; or

(2) otherwise restrict the department's ability to conduct an investigation as provided by this subchapter.

Floor Amendment No. 3

Amend Amendment No. 2 by Klick to **SB 1578** on page 2, line 31, between "specialists" and the underlined period by inserting the following:
; however the department may refer the child's case to a specialist over the objection of the parent, legal guardian, or attorney

The amendments were read.

Senator Kolkhorst moved to concur in the House amendments to **SB 1578**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1047 WITH HOUSE AMENDMENT

Senator Seliger called **SB 1047** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1 on Third Reading

Amend **SB 1047** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Article 18.10, Code of Criminal Procedure, is amended to read as follows:

Art. 18.10. HOW RETURN MADE. (a) Not later than three whole days after executing a search warrant, the officer shall return the search warrant. Upon returning the search warrant, the officer shall state on the back of the same, or on some paper attached to it, the manner in which the warrant has been executed. The officer shall also deliver to the magistrate a copy of the inventory of the property taken into his possession under the warrant. The failure of an officer to make a timely return of an executed search warrant or to submit an inventory of the property taken into the officer's possession under the warrant does not bar the admission of evidence under Article 38.23. The officer who seized the property shall retain custody of it until the magistrate issues an order directing the manner of safekeeping the property. Except as otherwise provided by Subsection (b), the [The] property may not be removed from the county in which it was seized without an order approving the removal, issued by a magistrate in the county in which the warrant was issued; provided, however, nothing herein shall prevent the officer, or his department, from forwarding any item or items seized to a laboratory for scientific analysis.

(b) For the purposes of complying with this article, property seized pursuant to a warrant executed under Article 18.067 may be removed from the county in which it was seized and returned to the county in which the warrant was issued without a court order.

The amendment was read.

Senator Seliger moved to concur in the House amendment to **SB 1047**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1817 WITH HOUSE AMENDMENT

Senator Seliger called **SB 1817** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED AN ACT

relating to vehicle titles and registration.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2303.154, Occupations Code, is amended by adding Subsection (h) to read as follows:

(h) A vehicle sold in compliance with this chapter shall be titled and registered without the imposition by a county office of additional requirements not otherwise permitted by law.

SECTION 2. Section 501.051, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) The department shall place a hold on processing a title application for a motor vehicle if the department receives a request for a hold accompanied by evidence of a legal action regarding ownership of or a lien interest in the motor vehicle. The hold shall continue until a final, nonappealable judgment is entered in the action or the party requesting the hold requests that the hold be removed.

SECTION 3. Section 501.052, Transportation Code, is amended by amending Subsection (e) and adding Subsection (f) to read as follows:

(e) An applicant aggrieved by the determination under Subsection (d) may appeal only to the county or district court of the county of the applicant's residence. An applicant must file an appeal not later than the fifth day after receipt ~~[the date]~~ of the assessor-collector's determination. The judge shall try the appeal in the manner of other civil cases. All rights and immunities granted in the trial of a civil case are available to the interested parties. If the department's action is not sustained, the department shall promptly issue a title for the vehicle.

(f) A person may not apply for a hearing under this section if the department's decision under Section 501.051 is related to a title for a salvage motor vehicle or a nonrepairable motor vehicle, as defined by Section 501.091.

SECTION 4. Section 501.053, Transportation Code, is amended by adding Subsection (f) to read as follows:

(f) A person may not obtain a title under this section for a salvage motor vehicle or a nonrepairable motor vehicle, as defined by Section 501.091.

SECTION 5. This Act takes effect September 1, 2021.

The amendment was read.

Senator Seliger moved to concur in the House amendment to **SB 1817**.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Taylor, West, Whitmire, Zaffirini.

Nays: Creighton, Springer.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 27, 2021 - 1

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 2 (147 Yeas, 0 Nays, 1 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 20

House Conferees: Murr - Chair/Cook/Kacal/Landgraf/Moody

HB 900

House Conferees: Huberty - Chair/Johnson, Julie/Leach/Murphy/Walle

HB 1281

House Conferees: Wilson - Chair/Canales/Middleton/Moody/Reynolds

HB 1565

House Conferees: Paddie - Chair/Cain/Canales/King, Ken/Thompson, Senfronia

HB 2483

House Conferees: King, Phil - Chair/Guillen/Harless/Hernandez/Paddie

HB 2658

House Conferees: Frank - Chair/Bonnen/Capriglione/Neave/Noble

HJR 4

House Conferees: Kacal - Chair/Canales/Cook/Moody/Murr

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 22

SB 49

SB 281

SB 288

SB 383

SB 601

SB 626

SB 696

SB 1138

SB 1160

SB 1263

SB 1308

SB 1315

SB 1356

SB 1588

SB 1831

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

SB 1 (142 Yeas, 6 Nays)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL 2188 WITH HOUSE AMENDMENT

Senator Seliger called **SB 2188** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED
AN ACT

relating to the municipal or county regulation of residential detention facilities for immigrant or refugee children.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 250, Local Government Code, is amended by adding Section 250.011 to read as follows:

Sec. 250.011. RESIDENTIAL IMMIGRANT OR REFUGEE CHILD DETENTION FACILITIES. (a) In this section, "residential child detention facility" means a private facility other than a facility licensed by this state that operates under a

contract with the United States Immigration and Customs Enforcement, the United States Department of Health and Human Services, or another federal agency to provide 24-hour custody or care to unaccompanied immigrant or refugee children.

(b) A municipality or a county may adopt and enforce an ordinance, order, or other regulation that requires a residential child detention facility to:

(1) provide adequate water, wastewater, or other utilities for the facility; and

(2) meet reasonable minimum standards that promote the health, safety, and welfare of the residents of the facility.

(c) A county may not regulate under Subsection (b) a facility that is located in the corporate boundaries of a municipality.

(d) Before entering into a contract with a federal agency to operate as a residential child detention facility, the owner or operator of the proposed residential child detention facility must:

(1) provide notice of the proposed facility:

(A) if the facility is located in a municipality, to the governing body of the municipality; or

(B) if the facility is located in the unincorporated area of a county, to the commissioners court of the county; and

(2) meet any requirements adopted by the municipality or county under Subsection (b).

SECTION 2. This Act takes effect September 1, 2021.

The amendment was read.

Senator Seliger moved to concur in the House amendment to **SB 2188**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 2038 WITH HOUSE AMENDMENT

Senator Menéndez called **SB 2038** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED AN ACT

relating to prices and fees charged by certain freestanding emergency medical care facilities during a declared state of disaster; providing administrative penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 241, Health and Safety Code, is amended by adding Subchapter I-1 to read as follows:

SUBCHAPTER I-1. PRICES AND FEES CHARGED DURING DISASTER BY FREESTANDING EMERGENCY MEDICAL CARE FACILITIES ASSOCIATED WITH CERTAIN HOSPITALS

Sec. 241.221. APPLICABILITY. (a) This subchapter applies only to a freestanding emergency medical care facility, as that term is defined by Section 254.001, that is:

(1) exempt from the licensing requirements of Chapter 254 under Section 254.052(5), (7), or (8); and

(2) associated with a hospital licensed under this chapter that does not meet the conditions of participation for certification under Title XVIII of the Social Security Act (42 U.S.C. Section 1395 et seq.).

(b) This subchapter does not apply to a freestanding emergency medical care facility associated with a hospital licensed under this chapter that:

(1) has been operating as a hospital for less than one year;

(2) has submitted an application to a federally recognized accreditation program for certification under Title XVIII of the Social Security Act (42 U.S.C. Section 1395 et seq.); and

(3) has not failed an accreditation for certification.

Sec. 241.222. DISCLOSURE OF CERTAIN PRICES AND FEES DURING DECLARED DISASTER; CONSTRUCTION. (a) A facility described by Section 241.221 that provides testing or vaccination for an infectious disease based on a state of disaster declared under Chapter 418, Government Code, shall disclose to each patient the prices the facility charges for the test or vaccine and any facility fees, supply costs, and other costs associated with the test or vaccine in accordance with the disclosure requirements described by Section 254.156, as added by Chapter 1093 (H.B. 2041), Acts of the 86th Legislature, Regular Session, 2019.

(b) This section may not be construed as expanding the type of health care services a facility described by Section 241.221 is authorized to provide.

Sec. 241.223. PROHIBITED PRICING PRACTICES DURING DECLARED STATE OF DISASTER. (a) In this section, "unconscionable price" means a price that is more than 200 percent of the average price for the same or a substantially similar product or service provided to other individuals by health care facilities located in the same county or nearest county to the county in which the facility described by Section 241.221 is located, as applicable, according to data collected by the department under Chapter 108.

(b) During a state of disaster declared by the governor under Chapter 418, Government Code, a facility described by Section 241.221 may not:

(1) charge an individual an unconscionable price for a product or service provided at the facility; or

(2) knowingly or intentionally charge a third-party payor, including a health benefit plan insurer, a price higher than the price charged to an individual for the same product or service based on the payor's liability for payment or partial payment of the product or service.

(c) Subsection (b)(2) does not prohibit a facility described by Section 241.221 from:

(1) offering an uninsured individual a cash discount for a particular product or service; or

(2) accepting directly from an individual full payment for a health care product or service in lieu of submitting a claim to the individual's health benefit plan.

Sec. 241.224. ENFORCEMENT. Notwithstanding any conflicting provision in this subchapter and except for good cause shown, the commission shall impose the following penalty on a person licensed under this chapter who violates Section 241.223 or a rule adopted under that section:

(1) for the first violation, an administrative penalty in an amount equal to \$10,000;

(2) for the second violation:

(A) an administrative penalty in an amount equal to \$50,000; and

(B) a suspension of the person's license for 30 days; and

(3) for the third violation, a permanent revocation of the person's license.

SECTION 2. Subchapter D, Chapter 254, Health and Safety Code, is amended by adding Section 254.1555 to read as follows:

Sec. 254.1555. DISCLOSURE OF CERTAIN PRICES AND FEES DURING DECLARED DISASTER; CONSTRUCTION. (a) A facility that provides testing or vaccination for an infectious disease based on a state of disaster declared under Chapter 418, Government Code, shall disclose the price the facility charges for the test or vaccine and any facility fees, supply costs, and other costs associated with the test or vaccine in accordance with the disclosure requirements described by Section 254.156, as added by Chapter 1093 (H.B. 2041), Acts of the 86th Legislature, Regular Session, 2019.

(b) This section may not be construed as expanding the type of health care services a facility is authorized to provide under this chapter.

SECTION 3. Subchapter D, Chapter 254, Health and Safety Code, is amended by adding Section 254.160 to read as follows:

Sec. 254.160. PROHIBITED PRICING PRACTICES DURING DECLARED STATE OF DISASTER. (a) In this section, "unconscionable price" means a price that is more than 200 percent of the average price for the same or a substantially similar product or service provided to other individuals by health care facilities located in the same county or nearest county to the county in which the freestanding emergency medical care facility is located, as applicable, according to data collected by the department under Chapter 108.

(b) During a state of disaster declared by the governor under Chapter 418, Government Code, a facility may not:

(1) charge an individual an unconscionable price for a product or service provided at the facility; or

(2) knowingly or intentionally charge a third-party payor, including a health benefit plan insurer, a price higher than the price charged to an individual for the same product or service based on the payor's liability for payment or partial payment of the product or service.

(c) Subsection (b)(2) does not prohibit a facility from:

(1) offering an uninsured individual a cash discount for a particular product or service; or

(2) accepting directly from an individual full payment for a health care product or service in lieu of submitting a claim to the individual's health benefit plan.

SECTION 4. Subchapter E, Chapter 254, Health and Safety Code, is amended by adding Section 254.207 to read as follows:

Sec. 254.207. ENFORCEMENT. Notwithstanding any conflicting provision in this subchapter and except for good cause shown, the Health and Human Services Commission shall impose the following on a person licensed under this chapter who violates Section 254.160 or a rule adopted under that section:

(1) for the first violation, an administrative penalty in an amount equal to \$10,000;

(2) for the second violation:

(A) an administrative penalty in an amount equal to \$50,000; and

(B) a suspension of the person's license for 30 days; and

(3) for the third violation, a permanent revocation of the person's license.

SECTION 5. This Act takes effect September 1, 2021.

The amendment was read.

Senator Menéndez moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 2038** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Menéndez, Chair; Hancock, Schwertner, Whitmire, and Paxton.

SENATE BILL 766 WITH HOUSE AMENDMENTS

Senator Huffman called **SB 766** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 766** (house committee report) on page 3 as follows:

(1) On line 8, strike "OF CERTAIN MINORS ON" and substitute "OR EMPLOYMENT OF CERTAIN PERSONS AT".

(2) Strike lines 14-16 and substitute the following:

(b) The holder of a permit or license covering a premises described by Subsection (a) may not:

(1) knowingly or recklessly allow an individual younger than 18 years of age to be on the premises; or

(2) enter into a contract, other than a contract described by Section 51.016(g), Labor Code, with an individual younger than 21 years of age for the performance of work or the provision of a service on the premises.

Floor Amendment No. 3

Amend **SB 766** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 8.05(c), Penal Code, is amended to read as follows:

(c) Compulsion within the meaning of this section exists only if the force or threat of force would render a reasonable person in the situation of the defendant [~~reasonable firmness~~] incapable of resisting the pressure.

The amendments were read.

Senator Huffman moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 766** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Creighton, Johnson, Nelson, and Campbell.

SENATE BILL 1692 WITH HOUSE AMENDMENTS

Senator Miles called **SB 1692** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Amendment**A BILL TO BE ENTITLED
AN ACT**

relating to licensing requirements to operate an end stage renal disease facility and the provision of home dialysis care by a dialysis technician.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 251.012, Health and Safety Code, is amended to read as follows:

Sec. 251.012. EXEMPTIONS FROM LICENSING REQUIREMENT. The following facilities are not required to be licensed under this chapter:

(1) a home and community support services agency that is licensed under Chapter 142 with a home dialysis designation and that:

(A) has not more than five patients at any time as a total number of patients to whom the agency provides dialysis services; or

(B) is certified by the Centers for Medicare and Medicaid Services as an end stage renal disease facility under Medicare;

(2) a hospital licensed under Chapter 241 that provides dialysis only to individuals receiving:

(A) inpatient services from the hospital; or
(B) outpatient services due to a disaster declared by the governor or a federal disaster declared by the president of the United States occurring in this state or another state during the term of the disaster declaration;

(3) a hospital operated by or on behalf of the state as part of the managed health care provider network established under Chapter 501, Government Code, that provides dialysis only to individuals receiving:

(A) inpatient services from the hospital; or

(B) outpatient services while serving a term of confinement in a facility operated by or under contract with the Texas Department of Criminal Justice;

(4) an end stage renal disease facility operated by or on behalf of the state as part of the managed health care provider network established under Chapter 501, Government Code, that provides dialysis only to individuals receiving those services while serving a term of confinement in a facility operated by or under contract with the Texas Department of Criminal Justice; or

(5) the office of a physician, other than an ~~unless the~~ office ~~is~~ used primarily as an end stage renal disease facility, that:

(A) has not more than five patients at any time as a total number of patients to whom the office provides dialysis services; or

(B) is certified by the Centers for Medicare and Medicaid Services as an end stage renal disease facility under Medicare.

SECTION 2. Subchapter C, Chapter 251, Health and Safety Code, is amended by adding Section 251.033 to read as follows:

Sec. 251.033. PROVISION OF HOME DIALYSIS CARE IN NURSING FACILITIES. (a) A dialysis technician may provide home dialysis care in a nursing facility, including hemodialysis, only if:

(1) the care is provided under the personal supervision of a registered nurse who is:

(A) in compliance with all commission rules regarding training and competency for registered nurses to provide care at end stage renal disease facilities; and

(B) employed by the same entity that employs the dialysis technician; and

(2) the dialysis technician has complied with all commission rules regarding training and competency for dialysis technicians.

(b) For purposes of this section, "personal supervision" means supervision of a dialysis technician by a registered nurse who is physically present in the room during the administration of dialysis services by the dialysis technician.

SECTION 3. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement Section 251.033, Health and Safety Code, as added by this Act.

SECTION 4. This Act takes effect September 1, 2021.

Floor Amendment No. 1

Amend **CSSB 1692** (house committee report) as follows:

(1) Strike SECTION 1 of the bill (page 1, line 6, through page 2, line 25) and renumber subsequent SECTIONS of the bill accordingly.

(2) On page 3, line 6, immediately following "rules", insert "under 26 T.A.C. Section 558.405".

The amendments were read.

Senator Miles moved to concur in the House amendments to **SB 1692**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1876 WITH HOUSE AMENDMENT

Senator Miles called **SB 1876** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED AN ACT

relating to emergency planning for the continued treatment and safety of end stage renal disease facility patients.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 251, Health and Safety Code, is amended by adding Sections 251.016 and 251.017 to read as follows:

Sec. 251.016. EMERGENCY PREPAREDNESS AND CONTINGENCY OPERATIONS PLANNING. (a) In this section and Section 251.017, "emergency" means an incident likely to threaten the health, welfare, or safety of end stage renal disease facility patients or staff or the public, including a fire, equipment failure, power outage, flood, interruption in utility service, medical emergency, or natural or other disaster.

(b) Each end stage renal disease facility shall adopt a written emergency preparedness and contingency operations plan to address the provision of care during an emergency. The plan must:

(1) be updated annually and approved by the facility's leadership each time the plan is updated;

(2) include procedures for notifying each of the following entities as soon as practicable regarding the closure or reduction in hours of operation of the facility due to an emergency:

(A) the department;

(B) each hospital with which the facility has a transfer agreement;

(C) the trauma service area regional advisory council that serves the geographic area in which the facility is located; and

(D) each applicable local emergency management agency;

(3) except as provided by Subsection (d), require the facility to execute a contract with another end stage renal disease facility located within a 100-mile radius of the facility stipulating that the other end stage renal disease facility will provide dialysis treatment to facility patients who are unable to receive scheduled dialysis treatment due to the facility's closure or reduction in hours; and

(4) include a documented patient communications plan that includes procedures for notifying a patient when that patient's scheduled dialysis treatment is interrupted.

(c) As part of the emergency preparedness and contingency operations plan adopted under Subsection (b), each end stage renal disease facility shall develop and the facility's leadership must approve a continuity of care plan for the provision of dialysis treatment to facility patients during an emergency. The facility must provide a copy of the plan to each patient before providing or scheduling dialysis treatment. The plan must include:

(1) procedures for distributing written materials to facility patients that specifically describe the facility's emergency preparedness and contingency operations plan adopted under Subsection (b); and

(2) detailed procedures, based on the facility's patient population, on the facility's contingency plans, including transportation options, for patients to access dialysis treatment at each end stage renal disease facility with which the facility has an agreement or made advance preparations to ensure that the facility's patients have the option to receive dialysis treatment.

(d) An end stage renal disease facility is not required to contract with another end stage renal disease facility under Subsection (b)(3) if:

(1) no other end stage renal disease facility is located within a 100-mile radius of the facility; and

(2) the facility obtains written approval from the department exempting the facility from that requirement.

(e) On request, an end stage renal disease facility shall provide the facility's emergency preparedness and contingency operations plan adopted under Subsection (b) to:

(1) the department;

(2) each hospital with which the facility has a transfer agreement;

(3) the trauma service area regional advisory council that serves the geographic area in which the facility is located; and

(4) each applicable local emergency management agency.

(f) Each end stage renal disease facility shall provide annual training to facility staff on the facility's emergency preparedness and contingency operations plan under this section.

(g) Each end stage renal disease facility shall annually contact a local and state disaster management representative, an emergency operations center, and a trauma service area regional advisory council to:

(1) request comments on whether the emergency preparedness and contingency operations plan adopted by the facility under Subsection (b) should be modified; and

(2) ensure that local agencies, regional agencies, state agencies, and hospitals are aware of the facility, the facility's policy on provision of life-saving treatment, the facility's patient population and potential transportation needs, and the anticipated number of patients affected.

Sec. 251.017. EMERGENCY CONTINGENCY PLAN FOR POWER AND POTABLE WATER. (a) Each end stage renal disease facility shall adopt an emergency contingency plan for the continuity of essential building systems during an emergency. A plan adopted by a facility under this subsection must meet the requirements described by Subsection (b), (d), or (e).

(b) Unless the facility adopts a plan described by Subsection (d) or (e), an end stage renal disease facility must adopt an emergency contingency plan as required by Subsection (a) under which the facility is required:

(1) to have an on-site emergency generator that:

(A) has a type 2 essential electrical distribution system in accordance with the National Fire Protection Association 99, Section 4.5, and the National Fire Protection Association 110;

(B) is installed, tested, and maintained in accordance with the National Fire Protection Association 99, Section 4.5.4, and the National Fire Protection Association 110; and

(C) is kept at all times not less than 10 feet from the electrical transformer;

(2) except as provided by Subsection (c), to maintain an on-site fuel source that contains enough fuel capacity to power the on-site generator for not less than 24 hours, as determined by the electrical load demand on the emergency generator for that period;

(3) to maintain a sufficient quantity of potable water on-site to operate the facility's water treatment system for not less than 24 hours; and

(4) to maintain a water valve connection that allows an outside vendor to provide potable water to operate the facility's water treatment system.

(c) An end stage renal disease facility that adopts an emergency contingency plan under Subsection (b) is not required to maintain an on-site fuel source described by Subsection (b)(2) if the facility's on-site emergency generator uses a vapor liquefied petroleum gas system with a dedicated fuel supply.

(d) Unless the facility adopts a plan described by Subsection (b) or (e), an end stage renal disease facility must adopt an emergency contingency plan as required by Subsection (a) under which the facility is required:

(1) to maintain sufficient resources to provide on demand or to execute a contract with an outside supplier or vendor to provide on demand:

(A) a portable emergency generator that:

(i) has an electrical transfer switch with a plug-in device to provide emergency power for patient care areas and complies with National Fire Protection Association 99, Section 4.5.2.2.2; and

(ii) has a water valve connection that allows for the use of potable water to operate the facility's water treatment system;

(B) an alternate power source for light, including battery-powered light, that:

(i) is separate and independent from the normal electrical power source;

(ii) is capable of providing light for not less than one and a half hours;

(iii) is capable of providing a sufficient amount of light to allow for the safe evacuation of the building; and

(iv) is maintained and tested not less than four times each year; and

(C) potable water;

(2) to implement the plan when the facility loses electrical power due to a natural or man-made event during which the electrical power may not be restored within 24 hours; and

(3) to contact the outside supplier or vendor with which the facility contracts under Subdivision (1), if applicable, not later than 36 hours after the facility loses electrical power.

(e) Unless the facility adopts a plan described by Subsection (b) or (d), an end stage renal disease facility must adopt an emergency contingency plan as required by Subsection (a) under which the facility is required to execute a contract with another end stage renal disease facility that is located within a 100-mile radius of the facility stipulating that the other end stage renal disease facility will provide emergency contingency care to the facility's patients. The other end stage renal disease facility with which the facility contracts must have an alternate power source for light, including battery-powered light, that:

(1) is separate and independent from the normal electrical power source;

(2) is capable of providing light for not less than one and a half hours;

(3) is capable of providing a sufficient amount of light to allow for the safe evacuation of the building; and

(4) is maintained and tested not less than four times each year.

SECTION 2. Section 773.112, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d) Consistent with rules adopted under this section, the executive commissioner by rule shall require that each applicable emergency medical services medical director approve protocols that give preference to the emergency transfer of a dialysis patient from the patient's location directly to an outpatient end stage renal disease facility during a declared disaster. For purposes of this subsection:

(1) "Disaster" has the meaning assigned by Section 418.004, Government Code. The term includes a disaster declared by:

(A) the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.); and

(B) the governor under Section 418.014, Government Code.

(2) "End stage renal disease facility" has the meaning assigned by Section 251.001.

SECTION 3. Sections 38.072(a) and (b), Utilities Code, are amended to read as follows:

(a) In this section:

(1) "Assisted living facility" has the meaning assigned by Section 247.002, Health and Safety Code.

(2) "End stage renal disease facility" has the meaning assigned by Section 251.001, Health and Safety Code.

(3) "Extended power outage" has the meaning assigned by Section 13.1395, Water Code.

(4) ~~(3)~~ "Hospice services" has the meaning assigned by Section 142.001, Health and Safety Code.

(5) ~~(4)~~ "Nursing facility" has the meaning assigned by Section 242.301, Health and Safety Code.

(b) The commission by rule shall require an electric utility to give to the following the same priority that it gives to a hospital in the utility's emergency operations plan for restoring power after an extended power outage:

- (1) a nursing facility;
- (2) an assisted living facility; ~~and~~
- (3) an end stage renal disease facility; and
- (4) a facility that provides hospice services.

SECTION 4. Section 13.1395, Water Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) An emergency preparedness plan submitted under Subsection (b) may provide for the prioritization of water restoration to an end stage renal disease facility, as that term is defined by Section 251.001, Health and Safety Code, in the same manner as an affected utility restores service to a hospital following an extended power outage. The affected utility must restore the service in accordance with:

- (1) the facility's needs;
- (2) the affected community's needs; and
- (3) the characteristics of the geographic area in which water is to be

restored.

SECTION 5. As soon as practicable after the effective date of this Act:

(1) each end stage renal disease facility shall develop and implement the plans required under Sections 251.016 and 251.017, Health and Safety Code, as added by this Act;

(2) the executive commissioner of the Health and Human Services Commission shall adopt the rules required by Section 773.112(d), Health and Safety Code, as added by this Act; and

(3) the Public Utility Commission of Texas shall adopt the rules required by Section 38.072, Utilities Code, as amended by this Act.

SECTION 6. This Act takes effect September 1, 2021.

The amendment was read.

Senator Miles moved to concur in the House amendment to **SB 1876**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

NOMINATIONS RETURNED (Motions In Writing)

Senator Buckingham submitted the following Motion In Writing:

Mr. President:

I move that the nomination of Ruth Hughs to be the Secretary of State be withdrawn from the Committee on Nominations, and I further move that the nomination be returned to the Governor pursuant to his request.

BUCKINGHAM

The Motion in Writing was read and prevailed without objection.

Senator Buckingham submitted the following Motion In Writing:

Mr. President:

I move that the nomination of Cody Campbell to the Texas Higher Education Coordinating Board be withdrawn from the Committee on Nominations, and I further move that the nomination be returned to the Governor pursuant to his request.

BUCKINGHAM

The Motion In Writing was read and prevailed without objection.

SENATE BILL 15 WITH HOUSE AMENDMENTS

Senator Nichols called **SB 15** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Amendment

A BILL TO BE ENTITLED AN ACT

relating to the Texas Consumer Privacy Act Phase I; creating criminal offenses; increasing the punishment for an existing criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Texas Consumer Privacy Act Phase I.

SECTION 2. Section 11.030, Parks and Wildlife Code, is amended by amending Subsections (a) and (c) and adding Subsections (e-1), (e-2), and (e-3) to read as follows:

(a) The name and address and a telephone, social security, driver's license, bank account, credit card, or charge card number of a person who purchases customer products, licenses, or services from the department may not be disclosed, sold, rented, or traded except as authorized under this section or Section 12.0251.

(c) The commission by rule shall adopt policies relating to:

(1) the release of the customer information; and

(2) the use of the customer information by the department~~;~~ and

~~[(3) the sale of a mailing list consisting of the names and addresses of persons who purchase customer products, licenses, or services].~~

(e-1) The department may disclose statistical data and compilations of customer information described by Subsection (a) if the information does not reveal information identifying a specific department customer or a department customer's address, telephone number, social security number, or driver's license number.

(e-2) The department may disclose customer information described by Subsection (a) only:

(1) to another governmental body, including a law enforcement entity, as needed to carry out a governmental purpose;

(2) if the customer that is the subject of the information consents in writing to the specific disclosure; or

(3) if the information is:

(A) part of a record that is considered to be a public record under Section 31.039; or

(B) authorized to be disclosed under Section 31.0391.

(e-3) This section does not authorize the department to disclose information the department is prohibited from disclosing by other law.

SECTION 3. Section 204.011(a), Transportation Code, is amended to read as follows:

(a) ~~The [Except as provided by this section or a rule adopted by the commission under this section, the]~~ department may not disclose to any person the name, address, telephone number, social security account number, driver's license number, bank account number, credit or debit card number, or charge account number of a person who:

(1) is or has been a subscriber to "Texas Highways"; or

(2) has purchased from the department a promotional item described by Section 204.009.

SECTION 4. Section 548.601(a), Transportation Code, is amended to read as follows:

(a) A person, including an inspector or an inspection station, commits an offense if the person:

(1) submits information to the department's inspection database or issues a vehicle inspection report with knowledge that the submission or issuance is in violation of this chapter or rules adopted under this chapter;

(2) falsely or fraudulently represents to the owner or operator of a vehicle that equipment inspected or required to be inspected must be repaired, adjusted, or replaced for the vehicle to pass an inspection;

(3) misrepresents:

(A) material information in an application in violation of Section 548.402 or 548.403; or

(B) information filed with the department under this chapter or as required by department rule;

(4) submits information to the department's inspection database or issues a vehicle inspection report:

(A) without authorization to issue the report or submit the information; or

(B) without inspecting the vehicle;

(5) submits information to the department's inspection database indicating that a vehicle has passed the applicable inspections or issues a passing vehicle inspection report for a vehicle with knowledge that the vehicle has not been repaired, adjusted, or corrected after an inspection has shown a repair, adjustment, or correction to be necessary;

(6) knowingly submits information to the department's inspection database or issues a vehicle inspection report:

(A) for a vehicle without conducting an inspection of each item required to be inspected; or

(B) for a vehicle that is missing an item required to be inspected or that has an item required to be inspected that is not in compliance with state law or department rules;

(7) refuses to allow a vehicle's owner to have a qualified person of the owner's choice make a required repair, adjustment, or correction;

(8) charges for an inspection an amount greater than the authorized fee;

(9) discloses or sells information collected in relation to the vehicle inspection program under this chapter about a unique customer or a unique vehicle owner to a person other than the department or the person who is the subject of the information, including a customer or vehicle owner's name, address, or phone number; or

(10) [9] performs an act prohibited by or fails to perform an act required by this chapter or a rule adopted under this chapter.

SECTION 5. Section 730.003, Transportation Code, is amended by adding Subdivision (1-a) and amending Subdivision (6) to read as follows:

(1-a) "Authorized recipient" means a person who is permitted to receive and use personal information from an agency in a manner authorized by this chapter.

(6) "Personal information" means information that identifies a person, including an individual's photograph or computerized image, social security number, date of birth, driver identification number, name, address, but not the zip code, e-mail address, telephone number, and medical or disability information. The term does not include:

(A) information on vehicle accidents, driving or equipment-related violations, or driver's license or registration status; or

(B) information contained in an accident report prepared under:

(i) Chapter 550; or

(ii) former Section 601.004 before September 1, 2017.

SECTION 6. Section 730.006, Transportation Code, is amended to read as follows:

Sec. 730.006. **REQUIRED DISCLOSURE WITH CONSENT.** Personal information obtained by an agency in connection with a motor vehicle record shall be disclosed to a requestor who:

(1) is the subject of the information; or

(2) demonstrates, in such form and manner as the agency requires, that the requestor has obtained the written consent of the person who is the subject of the information.

SECTION 7. The heading to Section 730.007, Transportation Code, is amended to read as follows:

Sec. 730.007. **PERMITTED DISCLOSURES OF CERTAIN PERSONAL INFORMATION.**

SECTION 8. Section 730.007, Transportation Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (g) to read as follows:

(a) Personal information obtained by an agency in connection with a motor vehicle record may be disclosed to any requestor by an agency if the requestor:

(1) provides the requestor's name and address and any proof of that information required by the agency; and

(2) represents that the use of the personal information will be strictly limited to:

(A) use by:

(i) a government agency, including any court or law enforcement agency, in carrying out its functions; or

(ii) a private person or entity acting on behalf of a government agency in carrying out the functions of the agency;

(B) use in connection with a matter of:

(i) motor vehicle or motor vehicle operator safety;

(ii) motor vehicle theft;

(iii) motor vehicle product alterations, recalls, or advisories;

(iv) performance monitoring of motor vehicles, motor vehicle parts, or motor vehicle dealers; or

(v) ~~motor vehicle market research activities, including survey research; or~~

~~(vi)~~ removal of nonowner records from the original owner records of motor vehicle manufacturers;

(C) use in the normal course of business by a legitimate business or an authorized agent of the business, but only:

(i) to verify the accuracy of personal information submitted by the individual to the business or the agent of the business; and

(ii) if the information is not correct, to obtain the correct information, for the sole purpose of preventing fraud by, pursuing a legal remedy against, or recovering on a debt or security interest against the individual;

(D) use in conjunction with a civil, criminal, administrative, or arbitral proceeding in any court or government agency or before any self-regulatory body, including service of process, investigation in anticipation of litigation, execution or enforcement of a judgment or order, or under an order of any court;

(E) use in research or in producing statistical reports, but only if the personal information is not published, redisclosed, or used to contact any individual;

(F) use by an insurer, ~~or~~ insurance support organization, or ~~by a~~ self-insured entity, or an authorized agent of an insurer, insurance support organization, or self-insured entity ~~the entity~~, in connection with claims processing or investigation activities, antifraud activities, rating, or underwriting;

(G) use in providing notice to an owner of a vehicle that was towed or impounded and is in the possession of a vehicle storage facility;

(H) use by a licensed private investigator agency or licensed security service for a purpose permitted under this section;

(I) use by an employer or an agent or insurer of the employer to obtain or verify information relating to a holder of a commercial driver's license that is required under 49 U.S.C. Chapter 313;

(J) use in connection with the operation of a ~~private~~ toll transportation facility or another type of transportation project described by Section 370.003;

(K) use by a consumer reporting agency, as defined by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.), for a purpose permitted under that Act;

(L) use by a motor vehicle manufacturer, dealership, or distributor, or an agent of or provider of services to a motor vehicle manufacturer, dealership, or distributor, for motor vehicle market research activities, including survey research;

(M) use in the ordinary course of business by a person or authorized agent of a person who:

(i) holds a salvage vehicle dealer license issued under Chapter 2302, Occupations Code;

(ii) holds an independent motor vehicle dealer or wholesale motor vehicle auction general distinguishing number issued under Chapter 503 of this code;

(iii) holds a used automotive parts recycler license issued under Chapter 2309, Occupations Code; or

(iv) is licensed by, registered with, or subject to regulatory oversight by the Texas Department of Motor Vehicles, the Texas Department of Banking, the Department of Savings and Mortgage Lending, the Credit Union Department, the Office of Consumer Credit Commissioner, the Texas Department of Insurance, the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Consumer Financial Protection Bureau, or the National Credit Union Administration;
or

(N) use by an employer, principal, general contractor, nonprofit organization, charitable organization, or religious institution to obtain or verify information relating to a person who holds a driver's license or the driving history of a person who holds a driver's license if the person is employed by, works under a contract with, or volunteers for the employer, principal, contractor, organization, or institution ~~[(L) use for any other purpose specifically authorized by law that relates to the operation of a motor vehicle or to public safety].~~

(a-1) Personal information obtained by the Texas Department of Motor Vehicles in connection with a motor vehicle record may be disclosed:

(1) when referring potential violations to the Texas Office of Consumer Credit Commissioner, the Department of Public Safety, or the comptroller, if the personal information is necessary for carrying out regulatory functions; or

(2) to the attorney general as part of a response by the Texas Department of Motor Vehicles to a subpoena or a discovery request, if the personal information is necessary for litigation purposes.

(g) An agency may request that an authorized recipient or other person in possession of personal information disclosed for a use authorized by this section provide to the agency information sufficient for the agency to determine whether the authorized recipient or person has complied with this chapter, agency rules, or other law that applies to the disclosed personal information. The authorized recipient or person shall provide the requested information not later than the fifth business day after the date the agency submits the request unless the agency extends the deadline to provide a reasonable period to produce the requested information.

SECTION 9. Chapter 730, Transportation Code, is amended by adding Sections 730.0121 and 730.0122 to read as follows:

Sec. 730.0121. DELETION OF INFORMATION REQUIRED IF NOT AUTHORIZED RECIPIENT. An agency by rule shall require a requestor to delete from the requestor's records personal information received from the agency under this chapter if the requestor becomes aware that the requestor is not an authorized recipient of that information.

Sec. 730.0122. CIVIL SUIT. (a) A person who discloses for compensation to a person who is not an authorized recipient personal information obtained by an agency in connection with a motor vehicle record is liable to the person who is the subject of the information for:

- (1) actual damages;
- (2) if the actual damages to the person are less than \$2,500, an additional amount so that the total amount of damages equals \$2,500; and
- (3) court costs incurred by the person who is the subject of the information in bringing the action.

(b) A person whose personal information has been disclosed for compensation to a person who is not an authorized recipient may sue for:

- (1) the damages, costs, and fees authorized under Subsection (a);
- (2) injunctive relief; and
- (3) any other equitable remedy determined to be appropriate by the court.

(c) A district court has exclusive original jurisdiction over a cause of action brought under this section.

SECTION 10. Section 730.013, Transportation Code, is amended to read as follows:

Sec. 730.013. ~~[RESALE OR]~~ REDISCLOSURE; OFFENSE. (a) An authorized recipient of personal information may not ~~[resell or]~~ redisclose the personal information in the identical or a substantially identical format the personal information was disclosed to the recipient by the applicable agency.

(b) An authorized recipient of personal information may ~~[resell or]~~ redisclose the information, including redisclosure for compensation, only for a use permitted under Section 730.007.

(c) An ~~[Any]~~ authorized recipient who ~~[resells or]~~ rediscloses personal information obtained from an agency shall be required by that agency to:

(1) maintain for a period of not less than five years records as to any person or entity receiving that information and the permitted use for which it was obtained; and

(2) provide copies of those records to the agency on request.

(c-1) A person who receives personal information under Subsection (b) may not redisclose the personal information, including redisclosure for compensation, to a person who is not an authorized recipient.

(c-2) An authorized recipient shall notify each person who receives personal information from the authorized recipient that the person may not redisclose the personal information to a person who is not an authorized recipient.

(d) A person commits an offense if the person violates this section. An offense under this subsection is a misdemeanor punishable by a fine not to exceed \$100,000 ~~[\$25,000]~~.

SECTION 11. The heading to Section 730.014, Transportation Code, is amended to read as follows:

Sec. 730.014. AGENCY RULES, ~~[- ORGANIZATION OF]~~ RECORDS, AND CONTRACTS.

SECTION 12. Section 730.014, Transportation Code, is amended by adding Subsections (c), (d), (e), and (f) to read as follows:

(c) An agency that provides a requestor access to personal information in motor vehicle records in bulk under a contract under Section 730.007 shall include in the contract:

(1) a requirement that the requestor post a performance bond in an amount of not more than \$1 million;

(2) a prohibition on the sale or redisclosure of the personal information for the purpose of marketing extended vehicle warranties by telephone;

(3) a requirement that the requestor provide proof of general liability and cyber-threat insurance coverage in an amount specified by the contracting agency that is:

(A) at least \$3 million; and

(B) reasonably related to the risks associated with unauthorized access and use of the records;

(4) a requirement that if a requestor experiences a breach of system security, as defined by Section 521.053, Business & Commerce Code, that includes data obtained under Section 730.007, the requestor must notify the agency of the breach not later than 48 hours after the discovery of the breach;

(5) a requirement that the requestor include in each contract with a third party that receives the personal information from the requestor that the third party must comply with federal and state laws regarding the records;

(6) a requirement that the requestor and any third party receiving the personal information from the requestor protect the personal information with appropriate and accepted industry standard security measures for the type of information and the known risks from unauthorized access and use of the information; and

(7) a requirement that the requestor annually provide to the agency a report of all third parties to which the personal information was disclosed under this section and the purpose of the disclosure.

(d) An agency that discloses any motor vehicle records in bulk under Section 730.007 shall include in the records at least two records that are created solely for the purpose of monitoring compliance with this chapter and detecting, by receipt of certain forms of communications or actions directed at the subjects of the created records, potential violations of this chapter or contract terms required by this section.

(e) An agency that discloses motor vehicle records shall designate an employee to be responsible for:

(1) monitoring compliance with this chapter and contract terms required by this section;

(2) referring potential violations of this chapter to law enforcement agencies; and

(3) making recommendations to the administrative head of the agency or the designee of the administrative head of the agency on the eligibility of a person under Section 730.016 to receive personal information.

(f) This subsection does not affect any rights or remedies available under a contract or any other law. If an agency determines that a person has violated a term of a contract with the agency for the disclosure under this chapter of personal information obtained by the agency in connection with a motor vehicle record, the agency may:

(1) cease disclosing personal information to that person; and

(2) allow the person to remedy the violation and resume receiving personal information.

SECTION 13. The heading to Section 730.016, Transportation Code, is amended to read as follows:

Sec. 730.016. INELIGIBILITY OF CERTAIN PERSONS TO RECEIVE, RETAIN, OR REDISCLOSE PERSONAL INFORMATION; OFFENSE.

SECTION 14. Section 730.016, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) A person who is convicted of an offense under this chapter, or who is determined in a civil action to be in violation of this chapter or ~~[violates]~~ a rule adopted by an agency relating to the terms or conditions for a release of personal information, including a rule adopted under Section 730.0121:

(1) ~~[to the person,]~~ is ineligible to receive personal information under Section 730.007;

(2) not later than one year after the date of conviction or the court's final determination under this subsection, shall delete from the person's records all personal information received under this chapter; and

(3) may not redisclose personal information received under this chapter.

(c) A person commits an offense if the person violates this section. An offense under this subsection is a misdemeanor punishable by a fine not to exceed \$100,000.

SECTION 15. The following provisions are repealed:

(1) Section 11.030(d), Parks and Wildlife Code; and

(2) Sections 204.011(c) and (d), Transportation Code.

SECTION 16. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 17. (a) Section 730.0121, Transportation Code, as added by this Act, applies to a person who received personal information under Chapter 730, Transportation Code, before the effective date of this Act, and is not an authorized recipient, as defined by Section 730.003(1-a), Transportation Code, as added by this Act, of that personal information under Chapter 730, Transportation Code, as amended by this Act.

(b) Notwithstanding Subsection (a) of this section, an agency to which Section 730.0121, Transportation Code, as added by this Act, applies may not require a person who received personal information from the agency before the effective date of this Act and is not an authorized recipient, as defined by Section 730.003(1-a), Transportation Code, as added by this Act, of that information to delete the information before the first anniversary of the effective date of this Act.

SECTION 18. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

Floor Amendment No. 1

Amend **CSSB 15** (house committee printing) as follows:

(1) On page 9, line 17, strike "person who holds a driver's license" and substitute "person's driver's license".

(2) On page 10, line 1, between "Safety," and "or", insert "law enforcement agencies,".

(3) On page 10, line 2, strike "or".

(4) On page 10, line 3, between "general" and "as", insert "or".

(5) On page 10, line 6, strike the period and substitute "; or".

(6) On page 10, between lines 6 and 7, insert the following:

(3) to a county assessor-collector if the personal information is related to a finding from an audit or investigation conducted under Section 520.010.

(7) On page 12, line 27, strike "and (f)" and substitute "(f), and (g)".

(8) On page 14, between lines 7 and 8, insert the following:

(d) The bond and insurance requirements in Subsections (c)(1) and (3) do not apply to a contract under Section 730.007 between a government agency and another government agency, including a court or law enforcement agency.

(9) On page 14, line 8, strike "(d)" and substitute "(e)".

(10) On page 14, line 15, strike "(e)" and substitute "(f)".

(11) On page 14, line 25, strike "(f)" and substitute "(g)".

Floor Amendment No. 1 on Third Reading

Amend **SB 15** (on third reading) as amended by Amendment No. 1 by P. King in added Section 730.007(a-1)(2), Transportation Code, by striking "attorney general or as part" and substituting "attorney general as part".

The amendments were read.

Senator Nichols moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 15** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Nichols, Chair; Nelson, West, Blanco, and Hancock.

SENATE BILL 2 WITH HOUSE AMENDMENTS

Senator Hancock called **SB 2** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Amendment

A BILL TO BE ENTITLED AN ACT

relating to the governance of the Public Utility Commission of Texas, the Office of Public Utility Counsel, and an independent organization certified to manage a power region.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 12.052(a), Utilities Code, is amended to read as follows:

(a) The governor shall designate a commissioner as the presiding officer. The commissioner designated as the presiding officer must be a resident of this state.

SECTION 2. Section 13.022(a), Utilities Code, is amended to read as follows:

(a) The counsellor must:

- (1) be licensed to practice law in this state and a resident of this state;
- (2) have demonstrated a strong commitment to and involvement in efforts to safeguard the rights of the public; and
- (3) possess the knowledge and experience necessary to practice effectively in utility proceedings.

SECTION 3. Section 39.151, Utilities Code, is amended by amending Subsections (d), (g), and (g-1) and adding Subsections (g-2), (g-3), and (g-4) to read as follows:

(d) The commission shall adopt and enforce rules relating to the reliability of the regional electrical network and accounting for the production and delivery of electricity among generators and all other market participants, or may delegate to an independent organization responsibilities for adopting [establishing] or enforcing such rules. Rules [Any such rules] adopted by an independent organization and [any] enforcement actions taken by the organization under delegated authority from the commission are subject to commission oversight and review and may not take effect before receiving commission approval. An independent organization certified by the commission is directly responsible and accountable to the commission. The commission has complete authority to oversee and investigate the organization's finances, budget, and operations as necessary to ensure the organization's accountability and to ensure that the organization adequately performs the organization's functions and duties. The organization shall fully cooperate with the commission in the commission's oversight and investigatory functions. The commission may take appropriate action against an organization that does not adequately perform the organization's functions or duties or does not comply with this

section, including decertifying the organization or assessing an administrative penalty against the organization. The commission by rule shall adopt procedures governing decertification of an independent organization, selecting and certifying a successor organization, and transferring assets to the successor organization to ensure continuity of operations in the region. The commission may not implement, by order or by rule, a requirement that is contrary to an applicable federal law or rule.

(g) To maintain certification as an independent organization under this section, an organization's governing body must be composed of persons specified by this section and selected in accordance with formal bylaws or protocols of the organization. The bylaws or protocols must be approved by the commission and must reflect the input of the commission. The bylaws must specify the process by which appropriate stakeholders elect members and, for unaffiliated members, prescribe professional qualifications for selection as a member. The bylaws must require that every member of the governing body be a resident of this state and prohibit a legislator from serving as a member. The bylaws may require the use of a professional search firm to identify candidates for [membership of unaffiliated] members described by Subdivisions (4), (5), and (6). The process must allow for commission input in identifying candidates. The governing body must be composed of:

- (1) the chairman of the commission as an ex officio nonvoting member;
- (2) the counsellor as an ex officio voting member representing residential and small commercial consumer interests;
- (3) the chief executive officer of the independent organization as an ex officio voting member;
- (4) six market participants elected by their respective market segments to serve two-year [one-year] terms, with:
 - (A) one representing independent generators;
 - (B) one representing investor-owned utilities;
 - (C) one representing power marketers;
 - (D) one representing retail electric providers who may not be affiliated with an independent generator;
 - (E) one representing municipally owned utilities; and
 - (F) one representing electric cooperatives;
- (5) one member representing industrial consumer interests and elected by the industrial consumer market segment to serve a two-year [one-year] term;
- (6) one member representing large commercial consumer interests selected in accordance with the bylaws to serve a two-year [one-year] term; and
- (7) five members unaffiliated with any market segment [and selected by the other members of the governing body] to serve two-year [three-year] terms who must be:

(A) selected by the other members of the governing body;
(B) approved by the commission; and
(C) approved by a majority of the governor, the lieutenant governor, and the speaker of the house of representatives.

(g-1) The bylaws of an independent organization must require that the [The] presiding officer and vice presiding officer of the governing body must be [one of the] members described by Subsection (g)(7).

(g-2) A person does not qualify for selection as a member of the governing body of an independent organization under Subsection (g)(3) or (7) if the person is required to register as a lobbyist under Chapter 305, Government Code. In making a selection under Subsection (g)(3) or (7), the members of the governing body shall give preference to a person who has executive-level business experience representing a range of industries.

(g-3) Members of the governing body of an independent organization certified under this section must serve staggered terms. A member described by Subsection (g)(4) or (5) must serve a term that expires in an even-numbered year. A member described by Subsection (g)(6) or (7) must serve a term that expires in an odd-numbered year. As soon as practicable after the date a member of the governing body's term expires, the appropriate authority must appoint or arrange for the election of a replacement in the same manner as the original appointment or election. If a vacancy occurs on the governing body, the appropriate authority must appoint or arrange for the election of a successor in the same manner as the original appointment or election to serve for the remainder of the unexpired term.

(g-4) To maintain certification as an independent organization under this section, the organization's governing body must establish and implement a formal process for adopting new protocols or revisions to existing protocols. The process must require that new or revised protocols may not take effect until the commission approves a market impact statement describing the new or revised protocols.

SECTION 4. An independent organization certified under Section 39.151, Utilities Code, by the Public Utility Commission of Texas before September 1, 2021, shall modify the organization to comply with Section 39.151, Utilities Code, as amended by this Act, not later than September 1, 2021. After September 1, 2021, the Public Utility Commission of Texas may decertify an independent organization that does not comply with Section 39.151, Utilities Code, as amended by this Act.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

Floor Amendment No. 3

Amend **CSSB 2** (house committee printing) as follows:

(1) On page 1, line 22, strike "and (g-4)" and substitute "(g-4), and (g-5)".

(2) On page 5, between lines 16 and 17, insert the following:

(g-4) A former member of the governing body of an independent organization certified under this section may not, before the second anniversary of the date the member ceases to be a member of the governing body, engage in an activity that requires registration under Chapter 305, Government Code.

(3) On page 5, line 17, strike "(g-4)" and substitute "(g-5)".

Floor Amendment No. 1 on Third Reading

Amend **SB 2** on third reading by striking the SECTION of the bill amending Section 12.052(a), Utilities Code, and substituting the following appropriately numbered SECTION:

SECTION _____. Subchapter B, Chapter 12, Utilities Code, is amended by adding Section 12.0521 to read as follows:

Sec. 12.0521. PRESIDING OFFICER QUALIFICATIONS. The commissioner designated as the presiding officer must be a resident of this state.

The amendments were read.

Senator Hancock moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 2** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Hancock, Chair; Nichols, Huffman, Whitmire, and Schwertner.

CONFERENCE COMMITTEE ON HOUSE BILL 3648

Senator Hancock called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 3648** and moved that the request be granted.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **HB 3648** before appointment.

There were no motions offered.

Accordingly, the President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Hancock, Chair; Nichols, Huffman, Whitmire, and Schwertner.

SENATE BILL 23 WITH HOUSE AMENDMENTS

Senator Huffman called **SB 23** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Amendment

A BILL TO BE ENTITLED AN ACT

relating to an election to approve a reduction or reallocation of funding or resources for certain county law enforcement agencies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 4, Local Government Code, is amended by adding Chapter 120 to read as follows:

CHAPTER 120. ELECTION FOR REDUCTION OF FUNDING OR RESOURCES
FOR CERTAIN PRIMARY LAW ENFORCEMENT AGENCIES

Sec. 120.001. APPLICABILITY. This chapter applies only to a county with a population of more than one million.

Sec. 120.002. ELECTION REQUIRED. (a) Except as provided by Section 120.003, a county shall hold an election in accordance with this chapter if the county adopts a budget for a fiscal year that, compared to the budget adopted by the county for the preceding fiscal year:

(1) reduces for the law enforcement agency, excluding a 9-1-1 call center, with primary responsibility for policing, criminal investigation, and answering calls for service;

(A) for a fiscal year in which the overall amount of the budget is equal to or greater than the amount for the preceding fiscal year, the appropriation to the agency;

(B) for a fiscal year in which the overall amount of the budget is less than the amount for the preceding fiscal year, the appropriation to the agency as a percentage of the total budget;

(C) as applicable:

(i) if the county has not declined in population since the preceding fiscal year, the number of peace officer positions, excluding detention officer positions; or

(ii) if the county has declined in population since the preceding fiscal year, the number of peace officer positions, excluding detention officer positions, the law enforcement agency is authorized to employ per 1,000 county residents; or

(D) the amount of funding per peace officer for the recruitment and training of new peace officers to fill vacant and new peace officer positions in the agency; or

(2) reallocates funding or resources to another law enforcement agency.

(b) A county may not implement a proposed reduction or reallocation described by Subsection (a) until the county receives voter approval for the proposed reduction or reallocation at an election held for that purpose. The county may, at any time, order the election to be held on the 30th day after the date the county orders the election. Section 41.001, Election Code, does not apply to an election under this subsection.

(c) For purposes of this section, a county budget does not include:

(1) a one-time extraordinary expense, as determined by the comptroller, that is outside the normal costs of operating a law enforcement agency, including purchasing a fleet of law enforcement vehicles or constructing an additional training academy;

(2) revenues used to repay voter-approved bonded indebtedness incurred for a law enforcement purpose;

(3) detention officer compensation; or

(4) a donation or state or federal grant to the county's law enforcement agency.

Sec. 120.003. DISASTER EXCEPTION. Section 120.002 does not apply to a county budget adopted for a fiscal year in which, or the two fiscal years following the fiscal year in which, a significant budget reduction from the preceding fiscal year was caused by a disaster, including a tornado, hurricane, flood, wildfire, or other calamity, but not including a drought, epidemic, or pandemic, in an area of the county that was the subject of a disaster declaration by the governor under Chapter 418, Government Code, or by the president of the United States.

Sec. 120.004. BALLOT PROPOSITION REQUIREMENTS. A county holding an election under this chapter shall ensure that the ballot proposition for the election includes, as applicable:

- (1) a detailed explanation of each proposed reduction;
- (2) the amount of each proposed reduction;
- (3) the recipient of reallocated funding or resources;
- (4) the impact on the local tax rate, if any; and
- (5) the expected length of time that the proposed reduction or reallocation

will remain in effect.

Sec. 120.005. USE OF PUBLIC MONEY FOR CAMPAIGN PROHIBITED. A county holding an election under this chapter may not use public money on promotional campaigns or advocacy related to the proposed reduction or reallocation. This section may not be construed to prevent a county official or employee from communicating factual information about a proposed budget or the reasoning behind a proposed budget to the voters in the county.

Sec. 120.006. COMPLAINT. (a) A person who believes that a county has implemented a proposed reduction or reallocation described by Section 120.002(a) without the required voter approval and who resides in the county may file a complaint with the criminal justice division of the office of the governor.

(b) The criminal justice division of the office of the governor shall determine whether a complaint filed under Subsection (a) is potentially valid or frivolous or false.

(c) The criminal justice division of the office of the governor shall provide written notice of a potentially valid complaint filed under Subsection (a) to the county that is the subject of the complaint. The division shall provide the county an opportunity to correct the action that is the subject of the complaint before referring the complaint to the comptroller.

Sec. 120.007. COMPTROLLER INVESTIGATION; TAX RATE LIMITATION. (a) On request by the criminal justice division of the office of the governor, the comptroller shall determine whether a county has implemented a proposed reduction or reallocation described by Section 120.002(a) without the required voter approval. The comptroller shall issue a written determination to the governor, lieutenant governor, speaker of the house of representatives, and governing body of the county.

(b) The comptroller may require a county to submit information for the current or preceding fiscal year to assist the comptroller's investigation under this section.

(c) Notwithstanding any other law, if the comptroller determines that a county implemented a proposed reduction or reallocation described by Section 120.002(a) without the required voter approval, the county may not adopt an ad valorem tax rate that exceeds the county's no-new-revenue tax rate until the earlier of:

(1) the date the comptroller issues a written determination that the county has, as applicable:

(A) reversed each funding reduction, adjusted for inflation, and personnel reduction that was a subject of the determination; or

(B) restored all reallocated funding and resources that were subjects of the determination to the original law enforcement agency; or

(2) the date on which each reduction and reallocation that was a subject of the determination has been approved in an election held in accordance with this chapter.

(d) For purposes of making the calculation required under Section 26.013, Tax Code, in a tax year the comptroller determines that a county implemented a proposed reduction or reallocation described by Section 120.002(a) without the required voter approval, the difference between the actual tax rate and voter-approval tax rate is considered to be zero.

SECTION 2. This Act takes effect January 1, 2022.

Floor Amendment No. 1

Amend **CSSB 23** (house committee printing) on page 1, line 16, by striking "the" and substituting "a".

Floor Amendment No. 12 on Third Reading

Amend **SB 23** on third reading in SECTION 1 of the bill, in added Section 120.002(c), Local Government Code, as follows:

(1) In Subdivision (3), strike "or".

(2) In Subdivision (4), between "agency" and the underlined period, insert the following:
; or

(5) for a county that has implemented a policy that prohibits the county's law enforcement agency from using money from a civil asset forfeiture, money obtained before the implementation of the policy from a forfeiture or from the proceeds of a forfeiture

The amendments were read.

Senator Huffman moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 23** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Hughes, Hinojosa, Nelson, and Nichols.

SENATE BILL 3 WITH HOUSE AMENDMENTS

Senator Schwertner called **SB 3** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Amendment

A BILL TO BE ENTITLED AN ACT

relating to preparing for, preventing, and responding to weather emergencies and power outages; increasing the amount of administrative and civil penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter K-1 to read as follows:

SUBCHAPTER K-1. POWER OUTAGE ALERT

Sec. 411.301. POWER OUTAGE ALERT. (a) With the cooperation of the Texas Department of Transportation, the Texas Division of Emergency Management, the office of the governor, and the Public Utility Commission of Texas, the department shall develop and implement an alert to be activated when the power supply in this state may be inadequate to meet demand.

(b) The Public Utility Commission of Texas by rule shall adopt criteria for the content, activation, and termination of the alert described by Subsection (a). The criteria must provide for an alert to be regional or statewide.

Sec. 411.302. ADMINISTRATION. (a) The director is the statewide coordinator of the power outage alert.

(b) The director shall adopt rules and issue directives as necessary to ensure proper implementation of the power outage alert. The rules and directives must include the procedures to be used by the Public Utility Commission of Texas and the independent organization certified under Section 39.151, Utilities Code, to communicate with the director about the power outage alert.

Sec. 411.303. DEPARTMENT TO RECRUIT PARTICIPANTS. The department shall recruit public and commercial television and radio broadcasters, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the power outage alert system.

Sec. 411.304. STATE AGENCIES. (a) A state agency participating in the power outage alert system shall:

(1) cooperate with the department and assist in developing and implementing the alert system; and

(2) establish a plan for providing relevant information to its officers, investigators, or employees, as appropriate, once the power outage alert system has been activated.

(b) In addition to its duties as a state agency under Subsection (a), the Texas Department of Transportation shall establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across the state.

Sec. 411.305. ACTIVATION OF POWER OUTAGE ALERT. (a) When the Public Utility Commission of Texas or an independent organization certified under Section 39.151, Utilities Code, notifies the department that the criteria adopted under Section 411.301(b) for the activation of the alert has been met, the department shall confirm the accuracy of the information and, if confirmed, immediately issue a power outage alert under this subchapter in accordance with department rules.

(b) In issuing the power outage alert, the department shall send the alert to designated media outlets in this state. Following receipt of the alert, participating radio stations and television stations and other participating media outlets may issue the alert at designated intervals.

Sec. 411.306. CONTENT OF POWER OUTAGE ALERT. The power outage alert must include a statement that electricity customers may experience a power outage.

Sec. 411.307. TERMINATION OF POWER OUTAGE ALERT. The director shall terminate any activation of the power outage alert as soon as practicable after the Public Utility Commission of Texas or the Electric Reliability Council of Texas notifies the department that the criteria adopted under Section 411.301(b) for the termination of the alert has been met.

Sec. 411.308. LIMITATION ON PARTICIPATION BY TEXAS DEPARTMENT OF TRANSPORTATION. Notwithstanding Section 411.304(b), the Texas Department of Transportation is not required to use any existing system of dynamic message signs in a statewide alert system created under this subchapter if that department receives notice from the United States Department of Transportation Federal Highway Administration that the use of the signs would result in the loss of federal highway funding or other punitive actions taken against this state due to noncompliance with federal laws, regulations, or policies.

SECTION 2. Section 418.048, Government Code, is amended to read as follows:

Sec. 418.048. MONITORING WEATHER. (a) The division shall keep continuously apprised of weather conditions that present danger of climatic activity, such as precipitation, severe enough to constitute a disaster.

(b) The division shall create a list of suggested actions for state agencies and the public to take to prepare for winter storms, organized by severity of storm based on the National Weather Service Winter Storm Severity Index.

SECTION 3. Subchapter C, Chapter 81, Natural Resources Code, is amended by adding Section 81.073 to read as follows:

Sec. 81.073. CRITICAL NATURAL GAS FACILITIES AND ENTITIES DURING AN ENERGY EMERGENCY. (a) The commission shall work with the Public Utility Commission of Texas to designate certain natural gas facilities and entities associated with providing natural gas in this state as critical during an energy emergency.

(b) At a minimum, the commission's rules must:

(1) establish eligibility and designation requirements for persons who own or operate a facility under the jurisdiction of the commission under Section 81.051(a) or engage in an activity under the jurisdiction of the commission under Section 81.051(a) who must provide critical customer designation and critical natural gas supply information, as defined by the commission, to the entities described by Section 38.077(c)(1), Utilities Code;

(2) require that only facilities and entities that are prepared to operate during a weather emergency may be designated as a critical customer under this section; and

(3) consider essential operational elements when defining critical customer designations and critical natural gas supply information, including natural gas production, processing, and transportation and related produced water handling and disposal facilities and the delivery of natural gas to generators.

SECTION 4. Subchapter C, Chapter 86, Natural Resources Code, is amended by adding Section 86.044 to read as follows:

Sec. 86.044. WEATHER EMERGENCY PREPAREDNESS. (a) In this section, "gas supply chain facility" means a facility that is:

(1) used for producing, treating, processing, pressurizing, storing, or transporting natural gas;

(2) not primarily used to support liquefied natural gas pretreatment, liquefaction, or regasification facilities in the business of exporting or importing liquefied natural gas to or from foreign countries;

(3) otherwise regulated by the commission under this subtitle; and

(4) not regulated by the commission under Chapter 121, Utilities Code.

(b) This section applies only to a gas supply chain facility included on the electricity supply chain map created under Section 38.203, Utilities Code.

(c) The commission by rule shall require a gas supply chain facility operator to implement measures to prepare to operate during a weather emergency.

(d) The commission shall:

(1) inspect gas supply chain facilities for compliance with rules adopted under Subsection (c);

(2) provide the owner of a facility described by Subdivision (1) with a reasonable period of time in which to remedy any violation the commission discovers in an inspection; and

(3) report to the attorney general any violation that is not remedied in a reasonable period of time.

(e) The commission shall prioritize inspections conducted under Subsection (d)(1) based on risk level, as determined by the commission.

(f) The commission by rule shall require an operator of a gas supply chain facility that experiences repeated or major weather-related forced interruptions of production to:

(1) contract with a person who is not an employee of the operator to assess the operator's weatherization plans, procedures, and operations; and

(2) submit the assessment to the commission.

(g) The commission may require an operator of a gas supply chain facility to implement appropriate recommendations included in an assessment submitted to the commission under Subsection (f).

(h) If the commission determines that a person has violated a rule adopted under this section, the commission shall notify the attorney general of a violation that is not remedied in a reasonable amount of time. The attorney general shall initiate a suit to recover a penalty for the violation in the manner provided by Subchapter G.

SECTION 5. Section 86.222, Natural Resources Code, is amended by adding Subsections (a-1), (c), and (d) to read as follows:

(a-1) Notwithstanding Subsection (a), a person who violates a provision of a rule adopted under Section 86.044 is liable for a penalty of not more than \$1,000,000 for each offense.

(c) The commission by rule shall establish a classification system to be used by a court under this subchapter for violations of rules adopted under Section 86.044 that includes a range of penalties that may be recovered for each class of violation based on:

(1) the seriousness of the violation, including:

(A) the nature, circumstances, extent, and gravity of a prohibited act;

and

(B) the hazard or potential hazard created to the health, safety, or economic welfare of the public;

(2) the history of previous violations;

(3) the amount necessary to deter future violations;

(4) efforts to correct the violation; and

(5) any other matter that justice may require.

(d) The classification system established under Subsection (c) shall provide that a penalty in an amount that exceeds \$5,000 may be recovered only if the violation is included in the highest class of violations in the classification system.

SECTION 6. Section 15.023, Utilities Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Notwithstanding Subsection (b), the penalty for a violation of a provision of Subtitle B may be in an amount not to exceed \$1,000,000 for a violation. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

SECTION 7. Section 17.002, Utilities Code, is amended by adding Subdivisions (3-a) and (3-b) to read as follows:

(3-a) "Critical care residential customer" means a residential customer who has a person permanently residing in the customer's home who has been diagnosed by a physician as being dependent upon an electric-powered medical device to sustain life.

(3-b) "Critical load industrial customer" means an industrial customer for whom an interruption or suspension of electric service will create a dangerous or life-threatening condition on the customer's premises.

SECTION 8. Section 17.003, Utilities Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) An electric utility providing electric delivery service for a retail electric provider, as defined by Section 31.002, shall provide to the retail electric provider, and the retail electric provider shall periodically provide to the retail electric provider's retail customers together with bills sent to the customers, information about:

(1) the electric utility's procedures for implementing involuntary load shedding initiated by the independent organization certified under Section 39.151 for the ERCOT power region;

(2) the types of customers who may be considered critical care residential customers, critical load industrial customers, or critical load according to commission rules adopted under Section 38.075;

(3) the procedure for a customer to apply to be considered a critical care residential customer, a critical load industrial customer, or critical load according to commission rules adopted under Section 38.075; and

(4) reducing electricity use at times when involuntary load shedding events may be implemented.

SECTION 9. Section 17.005, Utilities Code, is amended to read as follows:

Sec. 17.005. PROTECTIONS FOR CUSTOMERS OF MUNICIPALLY OWNED UTILITIES. (a) A municipally owned utility may not be deemed to be a "service provider" or "billing agent" for purposes of Sections 17.156(b) and (e).

(b) The governing body of a municipally owned utility shall adopt, implement, and enforce rules that shall have the effect of accomplishing the objectives set out in Sections 17.004(a) and (b) and 17.102, as to the municipally owned utility within its certificated service area.

(c) The governing body of a municipally owned utility or its designee shall perform the dispute resolution function provided for by Section 17.157 for disputes arising from services provided by the municipally owned utility to electric customers served within the municipally owned utility's certificated service area.

(d) With respect to electric customers served by a municipally owned utility outside its certificated service area or otherwise served through others' distribution facilities, after retail competition begins as authorized by the legislature, the provisions of this chapter as administered by the commission apply.

(e) Nothing in this chapter shall be deemed to apply to a wholesale customer of a municipally owned utility.

(f) A municipally owned utility shall periodically provide with bills sent to retail customers of the utility information about:

(1) the utility's procedure for implementing involuntary load shedding;

(2) the types of customers who may be considered critical care residential customers, critical load industrial customers, or critical load according to commission rules adopted under Section 38.075;

(3) the procedure for a customer to apply to be considered a critical care residential customer, a critical load industrial customer, or critical load according to commission rules adopted under Section 38.075; and

(4) reducing electricity use at times when involuntary load shedding events may be implemented.

SECTION 10. Section 17.006, Utilities Code, is amended to read as follows:

Sec. 17.006. PROTECTIONS FOR CUSTOMERS OF ELECTRIC COOPERATIVES. (a) An electric cooperative shall not be deemed to be a "service provider" or "billing agent" for purposes of Sections 17.156(b) and (e).

(b) The electric cooperative shall adopt, implement, and enforce rules that shall have the effect of accomplishing the objectives set out in Sections 17.004(a) and (b) and 17.102.

(c) The board of directors of the electric cooperative or its designee shall perform the dispute resolution function provided for by Section 17.157 for electric customers served by the electric cooperative within its certificated service area.

(d) With respect to electric customers served by an electric cooperative outside its certificated service area or otherwise served through others' distribution facilities, after the legislature authorizes retail competition, the provisions of this chapter as administered by the commission shall apply.

(e) Nothing in this chapter shall be deemed to apply to a wholesale customer of an electric cooperative.

(f) An electric cooperative shall periodically provide with bills sent to retail customers of the cooperative information about:

(1) the cooperative's procedure for implementing involuntary load shedding;

(2) the types of customers who may be considered critical care residential customers, critical load industrial customers, or critical load according to commission rules adopted under Section 38.075;

(3) the procedure for a customer to apply to be considered a critical care residential customer, a critical load industrial customer, or critical load according to commission rules adopted under Section 38.075; and

(4) reducing electricity use at times when involuntary load shedding events may be implemented.

SECTION 11. The heading to Chapter 35, Utilities Code, is amended to read as follows:

CHAPTER 35. ~~[ALTERNATIVE]~~ ENERGY PROVIDERS

SECTION 12. Subchapter A, Chapter 35, Utilities Code, is amended by adding Section 35.0021 to read as follows:

Sec. 35.0021. WEATHER EMERGENCY PREPAREDNESS. (a) This section applies only to a municipally owned utility, electric cooperative, power generation company, or exempt wholesale generator that sells electric energy at wholesale in the ERCOT power region.

(b) The commission by rule shall require each provider of electric generation service described by Subsection (a) to implement measures to prepare the provider's generation assets to provide adequate electric generation service during a weather emergency according to reliability standards adopted by the commission.

(c) The independent organization certified under Section 39.151 for the ERCOT power region shall:

(1) inspect generation assets in the ERCOT power region for compliance with the reliability standards;

(2) provide the owner of a generation asset with a reasonable period of time in which to remedy any violation the independent organization discovers in an inspection; and

(3) report to the commission any violation.

(c-1) The independent organization certified under Section 39.151 for the ERCOT power region shall prioritize inspections conducted under Subsection (c)(1) based on risk level, as determined by the organization.

(d) The commission by rule shall require a provider of electric generation service described by Subsection (a) for a generation asset that experiences repeated or major weather-related forced interruptions of service to:

(1) contract with a person who is not an employee of the provider to assess the provider's weatherization plans, procedures, and operations for that asset; and

(2) submit the assessment to the commission and the independent organization certified under Section 39.151 for the ERCOT power region.

(e) The commission may require a provider of electric generation service described by Subsection (a) to implement appropriate recommendations included in an assessment submitted to the commission under Subsection (d).

(f) The independent organization certified under Section 39.151 for the ERCOT power region shall review, coordinate, and approve or deny requests by providers of electric generation service described by Subsection (a) for a planned power outage during any season and for any period of time.

(g) The commission shall impose an administrative penalty on an entity, including a municipally owned utility or an electric cooperative, that violates a rule adopted under this section and does not remedy that violation within a reasonable period of time.

SECTION 13. Section 35.004, Utilities Code, is amended by amending Subsection (e) and adding Subsections (f), (g), and (h) to read as follows:

(e) In this section, "ancillary services" means services necessary to facilitate the transmission of electric energy including load following, standby power, backup power, reactive power, and any other services as the commission may determine by rule.

(f) The commission shall ensure that ancillary services necessary to facilitate the transmission of electric energy are available at reasonable prices with terms and conditions that are not unreasonably preferential, prejudicial, discriminatory, predatory, or anticompetitive. [~~In this subsection, "ancillary services" means services necessary to facilitate the transmission of electric energy including load following, standby power, backup power, reactive power, and any other services as the commission may determine by rule.~~] On the introduction of customer choice in the ERCOT power region, acquisition of generation-related ancillary services on a nondiscriminatory basis by the independent organization in ERCOT on behalf of entities selling electricity at retail shall be deemed to meet the requirements of this subsection.

(g) The commission shall:

(1) review the type, volume, and cost of ancillary services to determine whether those services will continue to meet the needs of the electricity market in the ERCOT power region;

(2) evaluate whether additional voluntary seasonal, month-ahead, or other forward products would enhance reliability in the ERCOT power region while providing adequate incentives for dispatchable generation; and

(3) ensure that all generation resources, energy storage resources, and loads in the ERCOT power region are allowed to provide ancillary services on a voluntary basis and that the ancillary services are procured and costs recovered on an equitable and nondiscriminatory basis.

(h) The commission may require the independent organization certified under Section 39.151 for the ERCOT power region to modify the design, procurement, and cost allocation of ancillary services for the region in a manner consistent with cost-causation principles and on a nondiscriminatory basis.

SECTION 14. Subchapter D, Chapter 38, Utilities Code, is amended by adding Sections 38.074, 38.075, 38.076, and 38.077 to read as follows:

Sec. 38.074. WEATHER EMERGENCY PREPAREDNESS. (a) The commission by rule shall require each electric cooperative, municipally owned utility, and transmission and distribution utility providing transmission service in the ERCOT power region to implement measures to prepare the cooperative's or utility's facilities to maintain service quality and reliability during a weather emergency according to standards adopted by the commission.

(b) The independent organization certified under Section 39.151 for the ERCOT power region shall:

(1) inspect the facilities of each electric cooperative, municipally owned utility, and transmission and distribution utility providing transmission service in the ERCOT power region for compliance with the reliability standards;

(2) provide the owner of a facility described by Subdivision (1) with a reasonable period of time in which to remedy any violation the independent organization discovers in an inspection; and

(3) report to the commission any violation that is not remedied in a reasonable period of time.

(c) The independent organization certified under Section 39.151 for the ERCOT power region shall prioritize inspections conducted under Subsection (b)(1) based on risk level, as determined by the organization.

(d) The commission shall impose an administrative penalty on an entity, including a municipally owned utility or an electric cooperative, that violates a rule adopted under this section and does not remedy that violation within a reasonable period of time.

(e) Notwithstanding any other provision of this subtitle, the commission shall allow a transmission and distribution utility to design and operate a load management program for nonresidential customers to be used during extreme weather where the independent organization certified under Section 39.151 for the ERCOT power region has declared an emergency. A transmission and distribution utility implementing a load management program under this subsection shall be permitted to recover the reasonable and necessary costs of the load management program under Chapter 36. A load management program operated under this subsection is not considered a competitive service.

Sec. 38.075. INVOLUNTARY AND VOLUNTARY LOAD SHEDDING. (a) The commission by rule shall adopt a system to allocate load shedding among electric cooperatives, municipally owned utilities, and transmission and distribution utilities providing transmission service in the ERCOT power region during an involuntary load shedding event initiated by the independent organization certified under Section 39.151 for the region during an energy emergency.

(b) The system must provide for allocation of the load shedding obligation to each electric cooperative, municipally owned utility, and transmission and distribution utility in different seasons based on historical seasonal peak demand in the service territory of the electric cooperative, municipally owned utility, or transmission and distribution utility.

(c) The commission by rule shall:

(1) categorize types of critical load that may be given the highest priority for power restoration; and

(2) require electric cooperatives, municipally owned utilities, and transmission and distribution utilities providing transmission service in the ERCOT power region to submit to the commission and the independent organization certified under Section 39.151 for the region:

(A) customers or circuits the cooperative or utility has designated as critical load; and

(B) a plan for participating in load shedding in response to an involuntary load shedding event described by Subsection (a).

(d) The commission by rule shall require electric cooperatives and municipally owned utilities providing transmission service in the ERCOT power region to:

(1) maintain lists of customers willing to voluntarily participate in voluntary load reduction; and

(2) coordinate with municipalities, businesses, and customers that consume large amounts of electricity to encourage voluntary load reduction.

(e) This section does not abridge, enlarge, or modify the obligation of an electric cooperative, a municipally owned utility, or a transmission and distribution utility to comply with federal reliability standards.

(f) After each load shedding event, the commission may conduct an examination of the implementation of load shedding, including whether each electric cooperative, municipally owned utility, and transmission and distribution utility complied with its plan as filed with the commission under Subsection (c)(2).

Sec. 38.076. LOAD SHEDDING EXERCISES. (a) The commission and the independent organization certified for the ERCOT power region shall conduct simulated or tabletop load shedding exercises with providers of electric generation service and transmission and distribution service in the ERCOT power region.

(b) The commission shall ensure that each year at least one simulated or tabletop exercise is conducted during a summer month and one simulated or tabletop exercise is conducted during a winter month.

Sec. 38.077. CRITICAL NATURAL GAS FACILITIES AND ENTITIES DURING AN ENERGY EMERGENCY. (a) The commission shall work with the Railroad Commission of Texas and adopt rules to establish a process to designate certain natural gas facilities and entities associated with providing natural gas in this state as critical during an energy emergency.

(b) The commission by rule shall require each electric cooperative, municipally owned utility, and transmission and distribution utility to exclude any circuits that provide power to an entity or facility designated under Section 81.073, Natural Resources Code, from participation in the cooperative's or utility's attempt to shed load in response to a rolling blackout initiated by an independent organization certified under Section 39.151 or another reliability council or power pool in which the cooperative or utility operates.

(c) At a minimum, the commission's rules must:

(1) ensure that electric cooperatives, municipally owned utilities, transmission and distribution utilities, and the independent organization certified under Section 39.151 for the ERCOT power region are provided with the information required by Section 81.073, Natural Resources Code;

(2) provide for a prioritization for load-shed purposes of the entities and facilities designated under Subsection (a) during an energy emergency; and

(3) provide discretion to electric cooperatives, municipally owned utilities, and transmission and distribution utilities to prioritize power delivery and power restoration among the customers on their respective systems, as circumstances require.

SECTION 15. Chapter 38, Utilities Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. TEXAS ELECTRICITY SUPPLY CHAIN SECURITY AND MAPPING COMMITTEE

Sec. 38.201. TEXAS ELECTRICITY SUPPLY CHAIN SECURITY AND MAPPING COMMITTEE. (a) In this subchapter, "electricity supply chain" means:

(1) facilities and methods used for producing, treating, processing, pressurizing, storing, or transporting natural gas for delivery to electric generation facilities; and

(2) critical infrastructure necessary to maintain electricity service.

(b) The Texas Electricity Supply Chain Security and Mapping Committee is established to:

(1) map this state's electricity supply chain;

(2) identify critical infrastructure sources in the electricity supply chain;

(3) establish best practices to prepare facilities that provide electric service and natural gas service in the electricity supply chain to maintain service in an extreme weather event and recommend oversight and compliance standards for those facilities; and

(4) designate priority service needs to prepare for, respond to, and recover from an extreme weather event.

(c) The committee is composed of:

(1) the executive director of the commission;

(2) the executive director of the Railroad Commission of Texas;

(3) the president and the chief executive officer of the independent organization certified under Section 39.151 for the ERCOT power region; and

(4) the chief of the Texas Division of Emergency Management.

(d) Each member of the committee may designate a personal representative from the member's organization to represent the member on the committee. A member is responsible for the acts and omissions of the designee related to the designee's representation on the committee.

(e) The executive director of the commission serves as the chair of the committee. The executive director of the Railroad Commission of Texas serves as vice chair of the committee.

Sec. 38.202. ADMINISTRATION. (a) The committee shall meet at least once each calendar quarter at a time determined by the committee and at the call of the chair.

(b) A member who is an ex officio member from a state agency shall be reimbursed for actual and necessary expenses in carrying out committee responsibilities from money appropriated for that purpose in the agency's budget. Other members of the committee may receive reimbursement for actual and necessary expenses in carrying out committee responsibilities from money appropriated for that purpose.

(c) The commission, the Railroad Commission of Texas, and the Texas Division of Emergency Management shall provide staff as necessary to assist the committee in carrying out the committee's duties and responsibilities.

(d) The independent organization certified under Section 39.151 for the ERCOT power region shall provide staff as necessary to assist the committee in carrying out the committee's duties and responsibilities.

(e) Except as otherwise provided by this subchapter, the committee is subject to Chapters 2001, 551, and 552, Government Code.

Sec. 38.203. POWERS AND DUTIES OF COMMITTEE. (a) The committee shall:

(1) map the state's electricity supply chain in order to designate priority electricity service needs during extreme weather events;

(2) identify and designate the sources in the electricity supply chain necessary to operate critical infrastructure, as defined by Section 421.001, Government Code;

(3) develop a communication system between critical infrastructure sources, the commission, and the independent organization certified under Section 39.151 for the ERCOT power region to ensure that electricity and natural gas supplies in the electricity supply chain are prioritized to those sources during an extreme weather event; and

(4) establish best practices to prepare facilities that provide electric service and natural gas service in the electricity supply chain to maintain service in an extreme weather event and recommend oversight and compliance standards for those facilities.

(b) The committee shall update the electricity supply chain map at least once each year.

(c) The commission shall:

(1) create and maintain a database identifying critical infrastructure sources with priority electricity needs to be used during an extreme weather event; and

(2) update the database at least once each year.

(d) The information maintained in the database is confidential under Section 418.181, Government Code, and not subject to disclosure under Chapter 552, Government Code.

Sec. 38.204. MAPPING REPORT. (a) Not later than January 1, 2022, the committee shall submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the legislature on the activities and findings of the committee. The report must:

(1) provide an overview of the committee's findings regarding mapping the electricity supply chain and identifying sources necessary to operate critical infrastructure;

(2) recommend a clear and thorough communication system for the commission, the Railroad Commission of Texas, the Texas Division of Emergency Management, and the independent organization certified under Section 39.151 for the ERCOT power region and critical infrastructure sources in this state to ensure that electricity supply is prioritized to those sources during extreme weather events; and

(3) include a list of the established best practices and recommended oversight and compliance standards adopted under Section 38.203(a)(4).

(b) The report is public information except for portions considered confidential under Chapter 552, Government Code, or other state or federal law.

SECTION 16. Subchapter C, Chapter 39, Utilities Code, is amended by adding Section 39.110 to read as follows:

Sec. 39.110. WHOLESALE INDEXED PRODUCTS. (a) In this section, "wholesale indexed product" means a retail electric product in which the price a customer pays for electricity includes a direct pass-through of real-time settlement point prices determined by the independent organization certified under Section 39.151 for the ERCOT power region.

(b) Except as provided by Subsection (c), a retail electric provider may not offer a wholesale indexed product to a residential or small commercial customer.

(c) A retail electric provider may enroll a residential or small commercial customer in a wholesale indexed product only if:

(1) the enrollment complies with any other applicable law or commission rule;

(2) the product caps the monthly average all-in price per kilowatt hour of electricity charged to the customer at a maximum of 200 percent more than the monthly average price of electricity in this state during the same month for the prior year, as determined by monthly electric power industry reports required by the United States Energy Information Administration;

(3) the retail electric provider provides to each potential customer before enrollment notice of the highest monthly average price for the next six months for the product;

(4) the retail electric provider provides to each customer in each billing statement notice of the highest monthly average price for the next six months; and

(5) for service starting at the beginning of the next month, the retail electric provider allows the customer to switch without charge or penalty at the beginning of the next month to a fixed rate product offered by the provider to other residential and small commercial customers.

(d) This section does not apply to accounts of a customer on the same property or contiguous properties in which one or more of the accounts has a peak demand of at least 250 kilowatts.

SECTION 17. Subchapter D, Chapter 39, Utilities Code, is amended by adding Section 39.159 to read as follows:

Sec. 39.159. DISPATCHABLE GENERATION. (a) For the purposes of this section, a generation facility is considered to be non-dispatchable if the facility's output is controlled primarily by forces outside of human control.

(b) The commission shall ensure that the independent organization certified under Section 39.151 for the ERCOT power region:

(1) establishes requirements to meet the reliability needs of the power region;

(2) periodically determines the quantity and characteristics of ancillary or reliability services necessary to ensure appropriate reliability during extreme heat and extreme cold weather conditions and during times of low non-dispatchable power production in the power region;

(3) procures ancillary or reliability services on a competitive basis to ensure appropriate reliability during extreme heat and extreme cold weather conditions and during times of low non-dispatchable power production in the power region;

(4) develops appropriate qualification and performance requirements for providing services under Subdivision (3), including appropriate penalties for failure to provide the services; and

(5) sizes the services procured under Subdivision (3) to prevent prolonged rotating outages due to net load variability in high demand and low supply scenarios.

(c) The commission shall ensure that:

(1) resources that provide services under Subsection (b) are dispatchable and able to meet continuous operating requirements for the season in which the service is procured;

(2) winter resource capability qualifications for a service described by Subsection (b) include on-site fuel storage, dual fuel capability, or fuel supply arrangements to ensure winter performance for several days; and

(3) summer resource capability qualifications for a service described by Subsection (b) include facilities or procedures to ensure operation under drought conditions.

SECTION 18. Subchapter Z, Chapter 39, Utilities Code, is amended by adding Section 39.9165 to read as follows:

Sec. 39.9165. DISTRIBUTED GENERATION REPORTING. (a) In this section, "distributed generation" is an electrical generating facility that:

(1) may be located at a customer's point of delivery;

(2) is connected at a voltage less than 60 kilovolts; and

(3) may be connected in parallel operation to the utility system.

(b) An independent organization certified under Section 39.151 shall require an owner or operator of distributed generation to register with the organization and interconnecting transmission and distribution utility information necessary for the interconnection of the distributed generator.

(c) This section does not apply to distributed generation serving a residential property.

SECTION 19. Section 105.023, Utilities Code, is amended by adding Subsections (b-1), (e), and (f) to read as follows:

(b-1) Notwithstanding Subsection (b), a civil penalty under this section shall be in an amount of not less than \$1,000 and not more than \$1,000,000 for each violation of Section 104.258(c).

(e) The railroad commission by rule shall establish a classification system to be used by a court under this subchapter for violations of Section 104.258(c) that includes a range of penalties that may be recovered for each class of violation based on:

(1) the seriousness of the violation, including:

(A) the nature, circumstances, extent, and gravity of a prohibited act;

and

(B) the hazard or potential hazard created to the health, safety, or economic welfare of the public;

(2) the history of previous violations;

(3) the amount necessary to deter future violations;

(4) efforts to correct the violation; and

(5) any other matter that justice may require.

(f) The classification system established under Subsection (e) shall provide that a penalty in an amount that exceeds \$5,000 may be recovered only if the violation is included in the highest class of violations in the classification system.

SECTION 20. Section 121.2015, Utilities Code, is amended by amending Subsection (a) and adding Subsections (c-1), (c-2), (d), (e), and (f) to read as follows:

(a) The railroad commission shall adopt rules regarding:

(1) public education and awareness relating to gas pipeline facilities; ~~and~~

(2) community liaison for responding to an emergency relating to a gas pipeline facility; and

(3) measures a gas pipeline facility operator must implement to prepare the gas pipeline facility to maintain service quality and reliability during extreme weather conditions if the gas pipeline facility directly serves a natural gas electric generation facility operating solely to provide power to the electric grid for the ERCOT power region and is included on the electricity supply chain map created under Section 38.203.

(c-1) The railroad commission shall:

(1) inspect gas pipeline facilities described by Subsection (a)(3) for compliance with rules adopted under Subsection (a)(3);

(2) provide the owner of a facility described by Subsection (a)(3) with a reasonable period of time in which to remedy any violation the railroad commission discovers in an inspection; and

(3) report to the attorney general any violation that is not remedied in a reasonable period of time.

(c-2) The railroad commission shall prioritize inspections conducted under Subsection (c-1)(1) based on risk level, as determined by the railroad commission.

(d) The railroad commission by rule shall require a gas pipeline facility operator that experiences repeated or major weather-related forced interruptions of service to:

(1) contract with a person who is not an employee of the operator to assess the operator's weatherization plans, procedures, and operations; and

(2) submit the assessment to the commission.

(e) The railroad commission may require an operator of a gas pipeline facility described by Subsection (a)(3) to implement appropriate recommendations included in an assessment submitted to the commission under Subsection (d).

(f) The railroad commission shall assess an administrative penalty against a person who violates a rule adopted under Subsection (a)(3) if the violation is not remedied in a reasonable period of time in the manner provided by this subchapter.

SECTION 21. Section 121.206, Utilities Code, is amended by adding Subsections (b-1) and (e) to read as follows:

(b-1) Notwithstanding Subsection (b), the penalty for each violation may not exceed \$1,000,000 for a violation of a rule adopted under Section 121.2015(a)(3). Each day a violation continues may be considered a separate violation for the purpose of penalty assessment.

(e) The guidelines must provide that a penalty in an amount that exceeds \$5,000 for a violation of a rule adopted under Section 121.2015(a)(3) may be assessed only if circumstances justify the enhancement of the penalty.

SECTION 22. The heading to Section 186.007, Utilities Code, is amended to read as follows:

Sec. 186.007. PUBLIC UTILITY COMMISSION WEATHER EMERGENCY PREPAREDNESS REPORTS ~~[REPORT]~~.

SECTION 23. Sections 186.007(a-1), (b), (d), (e), and (f), Utilities Code, are amended to read as follows:

(a-1) The commission shall analyze emergency operations plans developed by electric utilities as defined by Section 31.002, power generation companies as defined by Section 31.002, municipally owned utilities, and electric cooperatives that operate generation facilities in this state and retail electric providers as defined by Section 31.002 and prepare a weather emergency preparedness report on power ~~[generation]~~ weatherization preparedness. In preparing the report, the commission shall:

(1) review ~~[the]~~ emergency operations plans ~~[currently]~~ on file with the commission;

(2) analyze and determine the ability of the electric grid to withstand extreme weather events in the upcoming year;

(3) consider the anticipated weather patterns for the upcoming year as forecasted by the National Weather Service or any similar state or national agency; and

(4) make recommendations on improving emergency operations plans and procedures in order to ensure the continuity of electric service.

(b) The commission shall ~~may~~ require an ~~[electric generation]~~ entity subject to this section to file an updated emergency operations plan if it finds that an emergency operations plan on file does not contain adequate information to determine whether the ~~[electric generation]~~ entity can provide adequate electric ~~[generation]~~ services.

(d) The commission shall submit the report described by Subsection (a-1) to the lieutenant governor, the speaker of the house of representatives, and the members of the legislature not later than September 30 of each even-numbered year~~[-2012]~~.

(e) The commission may submit additional ~~[subsequent]~~ weather emergency preparedness reports if the commission finds that significant changes to weatherization techniques have occurred or are necessary to protect consumers or vital services, or if there have been changes to statutes or rules relating to weatherization requirements. A report under this subsection must be submitted not later than:

- (1) March 1 for a summer weather emergency preparedness report; and
- (2) September 1 for a winter weather emergency preparedness report.

(f) The emergency operations plans submitted for a ~~[the]~~ report described by Subsection (a-1) and any additional ~~[subsequent]~~ plans submitted under Subsection (e) are public information except for the portions of the plan considered confidential under Chapter 552, Government Code, or other state or federal law. If portions of a plan are designated as confidential, the plan shall be provided to the commission in a redacted form for public inspection with the confidential portions removed. An ~~[electric generation]~~ entity within the ERCOT power region shall provide the entity's plan to ERCOT in its entirety.

SECTION 24. Subchapter A, Chapter 186, Utilities Code, is amended by adding Section 186.008 to read as follows:

Sec. 186.008. RAILROAD COMMISSION WEATHER EMERGENCY PREPAREDNESS REPORTS. (a) In this section, "commission" means the Railroad Commission of Texas.

(b) The commission shall analyze emergency operations plans developed by operators of facilities that produce, treat, process, pressurize, store, or transport natural gas and are included on the electricity supply chain map created under Section 38.203 and prepare a weather emergency preparedness report on weatherization preparedness of those facilities. In preparing the report, the commission shall:

(1) review any emergency operations plans on file with the commission;
(2) analyze and determine the ability of the electricity supply chain, as mapped under Section 38.203, to withstand extreme weather events in the upcoming year;

(3) consider the anticipated weather patterns for the upcoming year as forecasted by the National Weather Service or any similar state or national agency; and

(4) make recommendations on improving emergency operations plans and procedures in order to ensure the continuity of natural gas service for the electricity supply chain, as mapped under Section 38.203.

(c) The commission shall require an entity subject to this section to file an updated emergency operations plan if it finds that an emergency operations plan on file does not contain adequate information to determine whether the entity can provide adequate natural gas services.

(d) The commission may adopt rules relating to the implementation of the report described by Subsection (b).

(e) The commission shall submit the report described by Subsection (b) to the lieutenant governor, the speaker of the house of representatives, and the members of the legislature not later than September 30 of each even-numbered year.

(f) The commission may submit additional weather emergency preparedness reports if the commission finds that significant changes to weatherization techniques have occurred or are necessary to protect consumers or vital services, or if there have been changes to statutes or rules relating to weatherization requirements. A report under this subsection must be submitted not later than:

(1) March 1 for a summer weather emergency preparedness report; and

(2) September 1 for a winter weather emergency preparedness report.

(g) The emergency operations plans submitted for a report described by Subsection (b) and any additional plans submitted under Subsection (f) are public information except for the portions of the plan considered confidential under Chapter 552, Government Code, or other state or federal law. If portions of a plan are designated as confidential, the plan shall be provided to the commission in a redacted form for public inspection with the confidential portions removed.

SECTION 25. Chapter 186, Utilities Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. TEXAS ENERGY DISASTER RELIABILITY COUNCIL

Sec. 186.101. DEFINITIONS. In this subchapter:

(1) "Council" means the Texas Energy Disaster Reliability Council established under this subchapter.

(2) "Disaster" means:

(A) a disaster defined by Section 418.004, Government Code; or

(B) an extended power outage.

(3) "Division" means the Texas Division of Emergency Management.

(4) "Extended power outage" means an interruption in electric service lasting more than 24 hours.

(5) "Gas provider" means:

(A) a natural gas pipeline facility operator;

(B) an operator of a natural gas well; or

(C) an entity that produces, treats, processes, pressurizes, stores, or transports natural gas in this state or otherwise participates in the natural gas supply chain in this state.

(6) "Public utility" means an entity that generates, transmits, or distributes electric energy to the public, including an electric cooperative, an electric utility, a municipally owned utility, or a river authority.

(7) "Railroad commission" means the Railroad Commission of Texas.

(8) "Utility commission" means the Public Utility Commission of Texas.

Sec. 186.102. COUNCIL. The Texas Energy Disaster Reliability Council is established to:

(1) prevent extended natural gas supply failures or power outages caused by disasters;

(2) implement procedures to manage emergencies caused by disasters;

(3) maintain records of critical infrastructure facilities to maintain service in a disaster;

(4) coordinate the delivery of fuel to serve human needs natural gas customers and providers of electric generation service in a disaster;

(5) monitor supply chains for the electric grid in this state to minimize service disruptions; and

(6) study and make recommendations on methods to maintain the reliability of the electric grid in this state during a disaster, including methods for maintaining the reliability of natural gas supply networks.

Sec. 186.103. MEMBERS. (a) The council consists of:

(1) the presiding officer of the utility commission;

(2) the executive director of the utility commission;

(3) the chairman of the railroad commission;

(4) the executive director of the railroad commission;

(5) the chief executive officer of the independent organization certified under Section 39.151 for the ERCOT power region; and

(6) the chief of the division.

(b) The chief of the division shall serve as the presiding officer of the council.

(c) The council shall hold meetings during the weeks of March 1 and September 1 of each year.

(d) In addition to the meetings required by Subsection (c), the council shall convene as soon as reasonably possible during or in anticipation of a disaster to address an actual or potential extended power outage caused by a disaster in order to coordinate fuel supplies and minimize the duration of the outage.

(e) In carrying out its functions, the council may consult and coordinate with:

(1) the United States Department of Energy;

(2) the United States Department of Homeland Security;

(3) the North American Electric Reliability Corporation;

(4) the Texas Reliability Entity;

(5) federal and state agencies;

(6) local governmental officials, including mayors, county judges, and emergency management officials;

(7) members of the electric industry;

(8) members of the natural gas industry; and

(9) grid security experts.

(f) A public utility or gas provider shall provide to the council any information related to a disaster requested by the council. Information obtained by the council under this subsection is confidential and not subject to disclosure by the council if the information is critical energy infrastructure information as defined by the independent organization certified under Section 39.151 for the ERCOT power region or federal law.

(g) Except as provided by Subsection (g-1), the meetings of the council and information obtained or created by the council are not subject to the requirements of Chapter 551 or 552, Government Code.

(g-1) Information written, produced, collected, assembled, or maintained under law or in connection with the transaction of official business by the council or an officer or employee of the council is subject to Section 552.008, Government Code, in the same manner as public information.

(h) Chapter 2110, Government Code, does not apply to the council.

Sec. 186.104. REPORT. (a) Not later than November 1 of each even-numbered year, the council shall submit to the legislature a report on the reliability and stability of the electric supply chain in this state.

(b) The report must include recommendations on methods to strengthen the electric supply chain in this state and to decrease the frequency of extended power outages caused by a disaster in this state.

SECTION 26. Subchapter E, Chapter 13, Water Code, is amended by adding Section 13.1394 to read as follows:

Sec. 13.1394. STANDARDS OF EMERGENCY OPERATIONS. (a) In this section:

(1) "Affected utility" means a retail public utility, exempt utility, or provider or conveyor of potable or raw water service that:

(A) furnishes water service to more than one customer; and

(B) is not an affected utility under Section 13.1395.

(2) "Emergency operations" means the operation of a water system during an extended power outage that impacts the operating affected utility.

(3) "Extended power outage" means a power outage lasting for more than 24 hours.

(b) An affected utility shall:

(1) ensure the emergency operation of its water system during an extended power outage at a minimum water pressure of 20 pounds per square inch, or at a water pressure level approved by the commission, as soon as safe and practicable following the occurrence of a natural disaster; and

(2) adopt and submit to the commission for its approval:

(A) an emergency preparedness plan that demonstrates the utility's ability to provide the emergency operations described by Subdivision (1); and

(B) a timeline for implementing the plan described by Paragraph (A).

(c) The commission shall review an emergency preparedness plan submitted under Subsection (b). If the commission determines that the plan is not acceptable, the commission shall recommend changes to the plan. The commission must make its recommendations on or before the 90th day after the commission receives the plan. In accordance with commission rules, an emergency preparedness plan for a provider of potable water shall provide for one of the following:

(1) the maintenance of automatically starting auxiliary generators;

(2) the sharing of auxiliary generator capacity with one or more affected utilities, including through participation in a statewide mutual aid program;

(3) the negotiation of leasing and contracting agreements, including emergency mutual aid agreements with other retail public utilities, exempt utilities, or providers or conveyors of potable or raw water service, if the agreements provide for coordination with the division of emergency management in the governor's office;

(4) the use of portable generators capable of serving multiple facilities equipped with quick-connect systems;

(5) the use of on-site electrical generation or distributed generation facilities;

(6) hardening the electric transmission and distribution system serving the water system;

(7) for existing facilities, the maintenance of direct engine or right angle drives;

(8) designation of the water system as a critical load facility or redundant, isolated, or dedicated electrical feeds;

(9) water storage capabilities;

(10) water supplies delivered from outside the service area of the affected utility; or

(11) any other alternative determined by the commission to be acceptable.

(d) Each affected utility that supplies, provides, or conveys raw surface water shall include in its emergency preparedness plan under Subsection (b) provisions for demonstrating the capability of each raw water intake pump station, pump station, and pressure facility to provide raw water service to its wholesale customers during emergencies. This subsection does not apply to raw water services that are unnecessary or otherwise subject to interruption or curtailment during emergencies under a contract.

(e) The commission shall adopt rules to implement this section as an alternative to any rule requiring elevated storage.

(f) The commission shall provide an affected utility with access to the commission's financial, managerial, and technical contractors to assist the utility in complying with the applicable emergency preparedness plan submission deadline.

(g) The commission by rule shall create an emergency preparedness plan template for use by an affected utility when submitting a plan under this section. The emergency preparedness plan template shall contain:

(1) a list and explanation of the preparations an affected utility may make under Subsection (c) for the commission to approve the utility's emergency preparedness plan; and

(2) a list of all commission rules and standards pertaining to emergency preparedness plans.

(h) An emergency generator used as part of an approved emergency preparedness plan under Subsection (c) must be operated and maintained according to the manufacturer's specifications.

(i) The commission shall inspect each utility to ensure that the utility complies with the approved plan.

(j) The commission may grant a waiver of the requirements of this section to an affected utility if the commission determines that compliance with this section will cause a significant financial burden on customers of the affected utility.

(k) An affected utility may adopt and enforce limitations on water use while the utility is providing emergency operations.

(l) Except as specifically required by this section, information provided by an affected utility under this section is confidential and is not subject to disclosure under Chapter 552, Government Code.

(m) The commission shall coordinate with the utility commission in the administration of this section.

SECTION 27. The heading to Section 13.1395, Water Code, is amended to read as follows:

Sec. 13.1395. STANDARDS OF EMERGENCY OPERATIONS IN CERTAIN COUNTIES.

SECTION 28. Section 13.1396, Water Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) This section applies only to an affected utility, as defined by Section 13.1394 or 13.1395.

SECTION 29. Subchapter E, Chapter 13, Water Code, is amended by adding Section 13.151 to read as follows:

Sec. 13.151. BILLING FOR SERVICES PROVIDED DURING EXTREME WEATHER EMERGENCY. (a) In this section, "extreme weather emergency" means a period when the previous day's highest temperature did not exceed 10 degrees Fahrenheit and the temperature is predicted to remain at or below that level for the next 24 hours according to the nearest National Weather Service reports.

(b) A retail public utility that is required to possess a certificate of public convenience and necessity or a district and affected county that furnishes retail water or sewer utility service shall defer collection of the full payment of bills that are due during an extreme weather emergency until after the emergency is over and shall work with customers to establish a pay schedule for deferred bills.

SECTION 30. Section 13.414, Water Code, is amended by adding Subsection (d) to read as follows:

(d) The commission by rule shall establish a classification system to be used by a court under this section for violations of Section 13.151 that includes a range of penalties that may be recovered for each class of violation based on:

(1) the seriousness of the violation, including:

(A) the nature, circumstances, extent, and gravity of a prohibited act;

and

(B) the hazard or potential hazard created to the health, safety, or economic welfare of the public;

(2) the history of previous violations;

(3) the amount necessary to deter future violations;

(4) efforts to correct the violation; and

(5) any other matter that justice may require.

SECTION 31. Section 13.1396(a)(1), Water Code, is repealed.

SECTION 32. (a) The State Energy Plan Advisory Committee is composed of 12 members. The governor, lieutenant governor, and speaker of the house of representatives each shall appoint four members to the advisory committee.

(b) Not later than September 1, 2022, the State Energy Plan Advisory Committee shall prepare a comprehensive state energy plan. The plan must:

(1) evaluate barriers in the electricity and natural gas markets that prevent sound economic decisions;

(2) evaluate methods to improve the reliability, stability, and affordability of electric service in this state;

(3) provide recommendations for removing the barriers described by Subdivision (1) of this subsection and using the methods described by Subdivision (2) of this subsection; and

(4) evaluate the electricity market structure and pricing mechanisms used in this state, including the ancillary services market and emergency response services.

(c) The state energy plan prepared under this section must be submitted to the legislature not later than September 1, 2022.

SECTION 33. The Public Utility Commission of Texas and the independent organization certified under Section 39.151, Utilities Code, shall annually review statutes, rules, protocols, and bylaws that apply to conflicts of interest for commissioners and for members of the governing body of the independent organization and submit to the legislature a report on the effects the statutes, rules, protocols, and bylaws have on the ability of the commission and the independent organization to fulfill their duties.

SECTION 34. (a) Not later than November 1, 2021, each affected utility, as defined by Section 13.1394, Water Code, as added by this Act, shall complete the submissions required by Section 13.1396(c), Water Code.

(b) Not later than March 1, 2022, each affected utility shall submit to the Texas Commission on Environmental Quality the emergency preparedness plan required by Section 13.1394, Water Code, as added by this Act.

(c) Not later than July 1, 2022, each affected utility shall implement the emergency preparedness plan approved by the Texas Commission on Environmental Quality under Section 13.1394, Water Code, as added by this Act.

(d) An affected utility, as defined by Section 13.1394, Water Code, as added by this Act, may file with the Texas Commission on Environmental Quality a written request for an extension, not to exceed 90 days, of the date by which the affected utility is required under Subsection (b) of this section to submit the affected utility's emergency preparedness plan or of the date by which the affected utility is required under Subsection (c) of this section to implement the affected utility's emergency preparedness plan. The Texas Commission on Environmental Quality shall approve the requested extension for good cause shown.

SECTION 35. Not later than six months after the date the Texas Electricity Supply Chain Security and Mapping Committee produces the map required under Section 38.203, Utilities Code, as added by this Act, the Railroad Commission of Texas shall adopt rules necessary to implement:

(1) Section 86.044, Natural Resources Code, as added by this Act; and

(2) Section 121.2015, Utilities Code, as amended by this Act.

SECTION 36. Not later than six months after the effective date of this Act, the Public Utility Commission of Texas shall adopt rules necessary to implement:

(1) Section 35.0021, Utilities Code, as added by this Act; and

(2) Section 38.074, Utilities Code, as added by this Act.

SECTION 37. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

Floor Amendment No. 1

Amend **CSSB 3** (house committee printing) as follows:

(1) On page 5, strike lines 20 through 22 and substitute the following:

(b) This section applies only to a gas supply chain facility that is:

(1) included on the electricity supply chain map created under Section 38.203, Utilities Code; and

(2) designated as critical by the commission in the manner provided by Section 81.073.

(2) On page 6, line 11, between "repeated" and "or", insert "weather-related".

(3) On page 7, line 26, strike "Subtitle B" and substitute "Section 35.0021 or 38.074".

(4) On page 16, lines 15 through 17, strike "during extreme weather where the independent organization certified under Section 39.151 for the ERCOT power region has declared an emergency" and substitute "where the independent organization certified under Section 39.151 for the ERCOT power region has declared a Level 2 Emergency or a higher level of emergency or has otherwise directed the transmission and distribution utility to shed load".

(5) Strike page 18, line 27, through page 19, line 8.

(6) On page 19, line 9, strike "(c)" and substitute "(b)".

(7) On page 22, line 2, between "is" and "subject", insert "not".

(8) On page 24, line 8, between "(c)," and "a retail", insert "an aggregator, a broker, or".

(9) On page 24, line 11, strike "A" and substitute "An aggregator, a broker, or a".

(10) On page 24, line 20, after the semicolon, add "and".

(11) On page 24, line 21, between "the" and "retail", insert "aggregator, broker, or".

(12) On page 24, line 23, strike the underlined semicolon and substitute an underlined period.

(13) On page 24, strike line 24 and substitute the following:

(d) A retail electric provider may maintain a residential or small commercial customer's enrollment in a wholesale indexed product only if:

(1) the retail electric provider provides to each

(14) On page 24, line 27, strike "(5)" and substitute "(2)".

(15) On page 25, line 5, strike "(d)" and substitute "(e)".

(16) On page 25, between lines 7 and 8, insert the following:

(f) An aggregator, a broker, or a retail electric provider may enroll a customer other than a residential and small commercial customer in a wholesale indexed product only if the aggregator, broker, or provider obtains before the customer's enrollment an acknowledgment signed by the customer that the customer accepts the potential price risks associated with a wholesale indexed product.

(g) An acknowledgment required by Subsection (f) must include the following statement, in clear, boldfaced text:

"I understand that the volatility and fluctuation of wholesale energy pricing may cause my energy bill to be multiple times higher in a month in which wholesale energy prices are high. I understand that I will be responsible for charges caused by fluctuations in wholesale energy prices."

(h) An acknowledgment required by Subsection (f) may be included as an addendum to a contract.

(i) A retail electric provider that provides a wholesale indexed product to a customer other than a residential and small commercial customer must keep on file the acknowledgment required by Subsection (f) for each customer while the customer is enrolled with the retail electric provider in the wholesale indexed product.

(17) Strike page 26, line 19 through page 27, line 8 and renumber subsequent SECTIONS of the bill accordingly.

(18) On page 28, strike lines 16 through 19 and substitute the following:
gas pipeline facility:

(A) directly serves a natural gas electric generation facility operating solely to provide power to the electric grid for the ERCOT power region or for the ERCOT power region and an adjacent power region; and

(B) is included on the electricity supply chain map created under Section 38.203.

(19) On page 29, line 7, between "operator" and "that", insert "described by Subsection (a)(3)".

(20) On page 37, line 23, strike "electric" and substitute "electricity".

(21) On page 37, line 25, strike "electric" and substitute "electricity".

(22) On page 42, line 23, between "The" and "commission", insert "utility".

(23) On page 45, strike lines 21 through 25 and substitute the following appropriately numbered SECTION:

SECTION _____. (a) If **HB 16**, 87th Legislature, Regular Session, 2021, becomes law, Section 39.110, Utilities Code, as added by that Act, is repealed, effective September 1, 2021. This subsection takes effect September 1, 2021.

(b) Except as provided by Subsection (a) of this section, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

(24) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. The changes in law made by Section 39.110, Utilities Code, as added by this Act, apply only to an enrollment or re-enrollment of a customer in a retail electric product that is executed on or after the effective date of this Act. An enrollment or re-enrollment of a customer in a retail electric product that is executed before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION _____. It is the intent of the legislature that this Act not restrict or amend the sole jurisdiction of the Railroad Commission of Texas to establish rules or requirements relating to curtailment orders for facilities and entities in the commission's jurisdiction under the Natural Resources Code or the Utilities Code.

Floor Amendment No. 2

Amend **CSSB 3** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 13.1395(d), Water Code, is amended to read as follows:

(d) This subsection does not apply to raw water services that are unnecessary or otherwise subject to interruption or curtailment during emergencies under a contract. Each affected utility that supplies, provides, or conveys surface water shall include in its emergency preparedness plan under Subsection (b) provisions:

(1) for the actual installation and maintenance of automatically starting auxiliary generators or distributive generation facilities for each raw water intake pump station, water treatment plant, pump station, and pressure facility necessary to provide water to its wholesale customers during emergencies; or

(2) that demonstrate the capability of each raw water intake pump station, water treatment plant, pump station, and pressure facility to provide water to its wholesale customers during emergencies through alternative means acceptable to the commission.

Floor Amendment No. 3

Amend **CSSB 3** (house committee printing) as follows:

(1) On page 1, line 11, between "governor," and "and", insert "the Texas Commission on Environmental Quality".

Floor Amendment No. 5

Amend **CSSB 3** (house committee report) as follows:

(1) On page 5, line 25, after the period, add "In adopting the rules, the commission shall take into consideration weather predictions produced by the office of the state climatologist.".

(2) On page 12, line 15, after the period, add "In adopting the rules, the commission shall take into consideration weather predictions produced by the office of the state climatologist.".

(3) On page 15, line 18, after the period, add "In adopting the rules, the commission shall take into consideration weather predictions produced by the office of the state climatologist.".

(4) On page 28, line 6, between "Subsections" and "(c-1)", insert "(a-1)".

(5) On page 28, between lines 19 and 20, insert the following:

(a-1) In adopting rules under Subsection (a)(3), the commission shall take into consideration weather predictions produced by the office of the state climatologist.

Floor Amendment No. 10

Amend **CSSB 3** (house committee printing) on page 37 by adding the following section immediately after line 27:

Sec. 186.105. INFORMATION SHARING DURING DISASTER. During a disaster, the council shall share information that affects residential consumers with the chief executive of the Office of Public Utility Counsel.

Floor Amendment No. 11

Amend **CSSB 3** (house committee printing) as follows:

- (1) On page 39, line 9, between "one" and "of the", insert "or more".
- (2) On page 40, strike lines 7 through 9 and substitute the following:
area of the affected utility;
 - (11) the ability to provide water through artesian flows;
 - (12) redundant interconnectivity between pressure zones;
 - (13) emergency water demand rules to maintain emergency operations; or
 - (14) any other alternative determined by the commission to be acceptable.
- (3) On page 44, line 18, between "July 1, 2022," and "each affected", insert "or upon final approval by the commission,".

Floor Amendment No. 12

Amend **CSSB 3** in SECTION 29 of the bill (house committee report page 42, lines 14 through 20), by striking Subsection (b) and substituting the following:

(b) A retail public utility that is required to possess a certificate of public convenience and necessity or a district and affected county that furnishes retail water or sewer utility service shall not impose late fees or disconnect service for nonpayment of bills that are due during an extreme weather emergency until after the emergency is over and shall work with customers that request to establish a payment schedule for unpaid bills that are due during the extreme weather emergency.

Floor Amendment No. 19

Amend **CSSB 3** (house committee printing) by adding the following SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. It is the intent of the legislature in enacting Section 35.037, Utilities Code, to allow grocers the ability to deploy back-up generation in the ERCOT power region in areas that have not implemented retail customer choice.

SECTION _____. Subchapter B, Chapter 35, Utilities Code, is amended by adding Section 35.037 to read as follows:

Sec. 35.037. INTERCONNECTION AND OPERATION OF CERTAIN DISTRIBUTED GENERATION FACILITIES FOR FOOD SUPPLY CHAIN. (a) In this section:

- (1) "Customer" means a retail electric customer:
 - (A) with a distributed generation facility installed on the retail electric customer's side of the meter; and
 - (B) that has a primary purpose of or derives a material source of revenue from:
 - (i) retail grocery sales; or
 - (ii) food manufacturing or distribution for retail grocery sales.

(2) "Distributed generation facility" means a facility installed on the customer's side of the meter but separately metered from the customer:

(A) with a nameplate capacity of at least 250 kilowatts and not more than 10 megawatts;

(B) that is capable of generating and providing backup or supplementary power to the customer's premises; and

(C) that is owned or operated by a person registered as a power generation company in accordance with Section 39.351.

(b) This section only applies in the ERCOT power region in areas where retail customer choice has not been implemented.

(c) A person who owns or operates a distributed generation facility served by a municipally owned utility or electric cooperative in the ERCOT power region may sell electric power generated by the distributed generation facility at wholesale, including the provision of ancillary services, subject to the limitations of this section.

(d) A person who owns or operates a distributed generation facility may sell electric power generated by the distributed generation facility at wholesale to a municipally owned utility or electric cooperative certificated for retail service to the area where the distributed generation facility is located or to a related generation and transmission electric cooperative. The municipally owned utility or electric cooperative shall purchase at wholesale the quantity of electric power generated by the distributed generation facility needed to satisfy the full electric requirements of the customer on whose side of the meter the distributed generation facility is installed and operated at a wholesale price agreed to by the customer and shall resell that quantity of power at retail to the customer at the rate applicable to the customer for retail service, which must at minimum include all amounts paid for the wholesale electric power, during:

(1) an emergency declared by the independent organization certified under Section 39.151 for the ERCOT power region that creates the potential for interruption of service to the customer;

(2) any service interruption at the customer's premises;

(3) construction on the customer's premises that creates the potential for interruption of service to the customer;

(4) maintenance and testing of the distributed generation facility; and

(5) additional times mutually agreed on by the owner or operator of the distributed generation facility and the municipally owned utility or electric cooperative.

(e) The customer shall provide written notice as soon as reasonably practicable to the municipally owned utility or electric cooperative of a circumstance described by Subsection (d)(3) or (4).

(f) In addition to a sale authorized under Subsection (d), on request by an owner or operator of a distributed generation facility, the municipally owned utility or electric cooperative shall provide wholesale transmission service to the distributed generation facility owner in the same manner as to other power generation companies for the sale of power from the distributed generation facility at wholesale, including for the provision of ancillary services, in the ERCOT market. The distributed generation facility owner shall comply with all applicable commission rules and

protocols and with governing documents of the independent organization certified under Section 39.151 for the ERCOT power region. This section does not require a municipally owned utility or electric cooperative to transmit electricity to a retail point of delivery in the certificated service area of the municipally owned utility or electric cooperative.

(g) In addition to a sale authorized under Subsection (d) or (f), a municipally owned utility or electric cooperative or related generation and transmission electric cooperative may purchase electric power provided by the owner or operator of the distributed generation facility at wholesale at a mutually agreed on price. The price may be based wholly or partly on the ERCOT market clearing price of energy at the time of day and at the location at which the electric power is made available.

(h) A municipally owned utility or electric cooperative shall make available a standard interconnection application and agreement for distributed generation facilities that is substantially similar to the commission's interconnection agreement form and consistent with this section to facilitate the connection of distributed generation facilities. A municipally owned utility or electric cooperative shall allow interconnection of a distributed generation facility and provide to a distributed generation facility on a nondiscriminatory basis wholesale transmission service, including at distribution voltage, in the same manner as for other power generation companies to transmit to the ERCOT power grid the electric power generated by the distributed generation facility. A municipally owned utility or electric cooperative may recover from the owner or operator of the distributed generation facility all reasonable costs necessary for and directly attributable to the interconnection of the facility, including the reasonable costs of necessary system upgrades and improvements directly attributable to the distributed generation facility.

(i) Not later than the 30th day after the date a complete application for interconnection of a distributed generation facility is received, the municipally owned utility or electric cooperative shall provide the applicant with a written good faith cost estimate for interconnection-related costs. The municipally owned utility or electric cooperative may not incur any interconnection-related costs without entering into a written agreement for the payment of those costs by the applicant.

(j) The process to interconnect a distributed generation facility must be completed not later than the 240th day after the date the municipally owned utility or electric cooperative receives payment of all estimated costs to complete the interconnection, except that:

(1) the period may be extended by written agreement between the parties; or

(2) the period may be extended after a good faith showing by the municipally owned utility or electric cooperative that the interconnection requires improvements, upgrades, or construction of new facilities that cannot reasonably be completed within that period, in which case the period may be extended for a time not to exceed the time necessary for the improvements, upgrades, or construction of new facilities to be completed.

(k) A municipally owned utility or electric cooperative shall charge the owner or operator of a distributed generation facility rates on a reasonable and nondiscriminatory basis for providing wholesale transmission service to the distributed generation facility owner in the same manner as for other power generation

companies to transmit to the ERCOT power grid the electric power generated by the distributed generation facility in accordance with a tariff filed by the municipally owned utility or electric cooperative with the commission.

(l) The owner or operator of the distributed generation facility shall contract with the municipally owned utility or electric cooperative or the municipally owned utility's or electric cooperative's designee for any scheduling, settlement, communication, telemetry, or other services required to participate in the ERCOT wholesale market, but only to the extent that the utility, cooperative, or designee offers the services on a nondiscriminatory basis and at a commercially reasonable cost. If the municipally owned utility or electric cooperative or the municipally owned utility's or electric cooperative's designee does not offer or declines to offer the services, or fails to do so on a nondiscriminatory basis and at a commercially reasonable cost as determined by quotes from at least three third parties providing the same services, the owner or operator of the distributed generation facility may contract with a third party provider to obtain the services.

(m) A distributed generation facility must comply with emissions limitations established by the Texas Commission on Environmental Quality for a standard emissions permit for an electric generation facility unit installed after January 1, 1995.

(n) A municipally owned utility or electric cooperative is not required to interconnect a distributed generation facility under this section if, on the date the utility or cooperative receives an application for interconnection of the facility, the municipally owned utility or electric cooperative has interconnected distributed generation facilities with an aggregate capacity that equals the lesser amount of:

(1) 5 percent of the municipally owned utility's or electric cooperative's average of the 15-minute summer peak load coincident with the independent system operator's 15-minute summer peak load in each of the months of June, July, August, and September; or

(2) 300 megawatts, adjusted annually by the percentage of total system load growth in the ERCOT power region beginning in 2022.

(o) A municipally owned utility or electric cooperative that, on the date the utility or cooperative receives an application for interconnection of a distributed generation facility, has interconnected distributed generation facilities with an aggregate capacity less than the threshold described by Subsection (n) is required to increase that capacity only up to that threshold.

(p) This section is not intended to change registration standards or other qualifications required by the independent organization certified under Section 39.151 for the ERCOT power region related to the participation of distributed generation facilities in the wholesale market. This section is not intended to allow distributed generation facilities to participate in a manner that is not technically feasible or that is otherwise in conflict with wholesale rules and requirements adopted by the independent organization certified under Section 39.151 for the ERCOT power region.

Floor Amendment No. 20

Amend **CSSB 3** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 35, Utilities Code, is amended by adding Section 35.037 to read as follows:

Sec. 35.037. FACILITATING CERTAIN INTERCOMPANY LANDFILL GAS-TO-ELECTRICITY USE. (a) This section only applies in a county with a population of more than one million in which a national wildlife refuge is wholly or partly located.

(b) Notwithstanding any other provision of this title, and for the purposes of reducing environmental emissions, putting to a beneficial purpose landfill gas as an electric generation fuel that would otherwise be flared, enabling the operation of electric generation to a greater degree, and enhancing the reliability and resilience of electric service in this state, a person who is not an electric utility and who owns and operates equipment or facilities to produce, generate, transmit, distribute, store, sell, or furnish electricity produced by the use of landfill methane gas may:

(1) use the equipment or facilities to provide electricity and electric service to the person and to the person's affiliates without being considered to be an electric utility, a public utility, a retail electric provider, a power marketer, or a person providing aggregation;

(2) interconnect the equipment or facilities in a timely manner and on reasonable and nondiscriminatory terms and conditions with any electric utility, municipally owned utility, or electric cooperative that has a retail service area for any portion of the equipment or facilities; and

(3) receive backup, supplemental, or other electric service for any of the person's or the person's affiliates' facilities that consume electricity from any electric utility, municipally owned utility, or electric cooperative that has a retail service area for any portion of the person's facilities or equipment that are interconnected regardless of whether those facilities are in the same retail service area as the location of the interconnection point.

(c) Backup, supplemental, or other electric service provided under this section through an interconnection for a person's electricity-consuming facilities that are connected to the person's interconnected equipment or facilities does not constitute a service area encroachment or other violation of law by the electric utility, municipally owned utility, or electric cooperative supplying the backup, supplemental, or other electric service.

Floor Amendment No. 21

Amend **CSSB 3** (house committee printing) on page 22, between lines 3 and 4, by inserting the following:

(f) Information written, produced, collected, assembled, or maintained under law or in connection with the transaction of official business by the committee or an officer or employee of the committee is subject to Section 552.008, Government Code. This subsection does not apply to the physical locations of critical facilities, maps created under this subchapter, or proprietary information created or gathered during the mapping process.

Floor Amendment No. 22

Amend **CSSB 3** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 35.151, Utilities Code, is amended to read as follows:

Sec. 35.151. **ELECTRIC ENERGY STORAGE.** This subchapter applies only to the ownership or operation of electric energy storage equipment or facilities in the ERCOT power region that are intended to:

(1) provide energy or ancillary services at wholesale, including electric energy storage equipment or facilities listed on a power generation company's registration with the commission or, for an exempt wholesale generator, on the generator's registration with the Federal Energy Regulatory Commission; or

(2) provide reliable delivery of electric energy to distribution customers.

SECTION _____. Subchapter E, Chapter 35, Utilities Code, is amended by adding Section 35.153 to read as follows:

Sec. 35.153. **CONTRACTS FOR ELECTRIC ENERGY STORAGE FOR RELIABILITY SERVICES.** (a) A transmission and distribution utility, with prior approval of the commission, may contract with a power generation company to provide electric energy from an electric energy storage facility to ensure reliable service to distribution customers.

(b) The commission may not authorize ownership of an electric energy storage facility by a transmission and distribution utility.

(c) Before entering into a contract under Subsection (a), the transmission and distribution utility must issue a request for proposals for use of an electric energy storage facility to meet the utility's reliability needs.

(d) A transmission and distribution utility may enter into a contract under Subsection (a) only if use of an electric energy storage facility is more cost-effective than construction or modification of traditional distribution facilities.

(e) A transmission and distribution utility may not enter into a contract under Subsection (a) that reserves an amount of capacity exceeding the amount of capacity required to ensure reliable service to the utility's distribution customers.

(f) A power generation company that owns or operates an electric energy storage facility subject to a contract under Subsection (a) may sell electric energy or ancillary services through use of the facility only to the extent that the company reserves capacity as required by the contract.

(g) A power generation company that owns or operates an electric energy storage facility subject to a contract under Subsection (a) may not discharge the facility to satisfy the contract's requirements unless directed by the transmission and distribution utility.

(h) A contract under Subsection (a) must require a power generation company that owns or operates an electric energy storage facility to reimburse a transmission and distribution utility for the cost of an administrative penalty assessed against the utility for a violation caused by the facility's failure to meet the requirements of the agreement.

(i) In establishing the rates of a transmission and distribution utility, a regulatory authority shall review a contract between the utility and a power generation company under Subsection (a). The utility has the burden of proof to establish that the costs of the contract are reasonable and necessary. The regulatory authority may authorize a transmission and distribution utility to include a reasonable return on the payments required under the contract only if the contract terms satisfy the relevant accounting standards for a capital lease or finance lease.

(j) The total amount of electric energy storage capacity reserved by contracts under Subsection (a) may not exceed 100 megawatts. The commission shall by rule establish the maximum amount of electric energy storage capacity allotted to each transmission and distribution utility.

(k) The commission shall adopt rules as necessary to implement this section and establish criteria for approving contracts under Subsection (a).

Floor Amendment No. 25

Amend **CSSB 3** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 418, Government Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. CRITICAL INFRASTRUCTURE PREPAREDNESS FUND

Sec. 418.301. DEFINITION. In this subchapter, "fund" means the critical infrastructure preparedness fund.

Sec. 418.302. CRITICAL INFRASTRUCTURE PREPAREDNESS FUND. (a) The critical infrastructure preparedness fund is a special fund in the state treasury outside the general revenue fund.

(b) The fund may be used by the division only as provided by this subchapter.

(c) The fund consists of:

(1) legislative appropriations to the division for a purpose of the fund;

(2) any revenue that by law is dedicated for deposit to the fund;

(3) interest or other earnings on money credited to or allocable to the fund;

(4) money from gifts, grants, or donations to the fund; and

(5) money under the division's control that the division designates for deposit to the fund.

Sec. 418.303. USE OF FUND. The division may use the fund only to:

(1) make a grant to an eligible entity under this subchapter; and

(2) pay the necessary and reasonable expenses of administering the fund.

Sec. 418.304. ELECTRIC GRID IMPROVEMENT ACCOUNT. (a) The electric grid improvement account is an account in the fund.

(b) The account consists of:

(1) legislative appropriations to the division for a purpose of the account;

and

(2) money from gifts, grants, or donations to the division for a purpose of the account.

(c) Subject to Subsection (d), the division may use the account only to make matching grants to eligible entities for hardening, weatherizing, and enhancing the reliability of the electric grid, including:

(1) installing advanced meter infrastructure and demand response technology;

(2) improving load shed capabilities;

(3) incentivizing customers to engage in distributed energy production and energy efficiency measures;

(4) installing electric energy storage; and

(5) weatherizing facilities.

(d) The division may not use the account to make grants for routine vegetation management.

(e) An entity is eligible to receive a matching grant under this section only if the entity is:

(1) a municipally owned electric utility;

(2) an electric cooperative;

(3) a transmission and distribution utility, as defined by Section 31.002, Utilities Code; or

(4) a vertically integrated utility.

(f) In making grants under this section, the division:

(1) shall consider:

(A) the expected number of individuals who will benefit from the project;

(B) existing infrastructure and overall need for the project;

(C) the potential benefit of the project to:

(i) low-income communities; and

(ii) areas in disparate parts of the state;

(D) the equitable distribution of grants throughout the state;

(E) the existence of matching federal funds for the project and whether available federal funds have been exhausted; and

(F) the total impact of the project on the preparedness of the state's electric grid; and

(2) may consult with the Public Utility Commission of Texas.

(g) The division shall condition each grant awarded under this section on the grant recipient providing funds from non-state sources in a total amount at least equal to 10 percent of the grant amount, with at least five percent of the recipient's match coming from local sources.

Sec. 418.305. HOSPITAL INFRASTRUCTURE PREPAREDNESS ACCOUNT. (a) The hospital infrastructure preparedness account is an account in the fund.

(b) The account consists of:

(1) legislative appropriations to the division for a purpose of the account; and

(2) money from gifts, grants, or donations to the division for a purpose of the account.

(c) The division may use the account only to make matching grants to eligible entities for purchasing reserve power supply that is reliable during an extreme weather event, such as on-site generation and energy storage systems, necessary to sustain critical medical care.

(d) An entity is eligible to receive a matching grant under this section only if the entity is:

- (1) a hospital owned by a municipality; or
- (2) a private for-profit or nonprofit hospital.

(e) In making grants under this section, the division:

(1) shall consider:

(A) the expected number of individuals who will benefit from the project;

(B) existing infrastructure and overall need for the project;

(C) the potential benefit of the project to:

(i) low-income communities; and

(ii) areas in disparate parts of the state;

(D) the equitable distribution of grants throughout the state;

(E) the existence of matching federal funds for the project and whether available federal funds have been exhausted; and

(F) the total impact of the project on the state's preparedness; and

(2) may consult with the Health and Human Services Commission.

(f) The division shall condition each grant awarded under this section on the grant recipient:

(1) providing funds from non-state sources in a total amount at least equal to 10 percent of the grant amount, with at least five percent of the recipient's match coming from local sources; and

(2) reimbursing the division for the amount of the grant if the recipient ceases operation or relocates before the fifth anniversary of the date on which the project for which the grant was made is completed.

Sec. 418.306. NURSING HOME PREPAREDNESS ACCOUNT. (a) The nursing home preparedness account is an account in the fund.

(b) The account consists of:

(1) legislative appropriations to the division for a purpose of the account; and

(2) money from gifts, grants, or donations to the division for a purpose of the account.

(c) The division may use the account only to make matching grants to eligible entities for purchasing reserve power supply that is reliable during an extreme weather event, such as on-site generation and energy storage systems, necessary to:

(1) sustain critical medical care; or

(2) maintain the air temperature in the entity's facilities.

(d) An entity is eligible to receive a matching grant under this section only if the entity is:

(1) a nursing facility, as defined by Section 242.301, Health and Safety Code; or

(2) an assisted living facility, as defined by Section 247.002, Health and Safety Code.

(e) In making grants under this section, the division may consult with the Health and Human Services Commission.

(f) If the division receives more qualifying applications for a grant under this section than the division has available money to fully fund, the division may reduce the amount of each grant made under this section in proportion to the number of individuals served by the grant applicant.

(g) The division shall condition each grant awarded under this section on the grant recipient:

(1) providing funds from non-state sources in a total amount at least equal to 10 percent of the grant amount, with at least five percent of the recipient's match coming from local sources; and

(2) reimbursing the division for the amount of the grant if the recipient ceases operation or relocates before the fifth anniversary of the date on which the project for which the grant was made is completed.

Sec. 418.307. DIALYSIS INFRASTRUCTURE ACCOUNT. (a) The dialysis infrastructure account is an account in the fund.

(b) The account consists of:

(1) legislative appropriations to the division for a purpose of the account;
and

(2) money from gifts, grants, or donations to the division for a purpose of the account.

(c) The division may use the account only to make matching grants to end stage renal disease facilities, as defined by Section 251.001, Health and Safety Code, for purchasing reserve power supply that is reliable during an extreme weather event, such as on-site generation and energy storage systems, necessary to sustain critical medical care.

(d) In making grants under this section, the division:

(1) shall consider:

(A) the expected number of individuals who will benefit from the project;

(B) existing infrastructure and overall need for the project;

(C) the potential benefit of the project to:

(i) low-income communities; and

(ii) areas in disparate parts of the state;

(D) the equitable distribution of grants throughout the state;

(E) the existence of matching federal funds for the project and whether available federal funds have been exhausted; and

(F) the total impact of the project on the state's preparedness; and

(2) may consult with the Health and Human Services Commission.

(e) If the division receives more qualifying applications for a grant under this section than the division has available money to fully fund, the division may reduce the amount of each grant made under this section in proportion to the number of individuals served by the grant applicant.

(f) The division shall condition each grant awarded under this section on the grant recipient:

(1) providing funds from non-state sources in a total amount at least equal to 10 percent of the grant amount, with at least five percent of the recipient's match coming from local sources; and

(2) reimbursing the division for the amount of the grant if the recipient ceases operation or relocates before the fifth anniversary of the date on which the project for which the grant was made is completed.

Sec. 418.308. RULES. The division shall adopt rules necessary to carry out this subchapter, including rules:

(1) that establish procedures for an application for and the award of financial assistance;

(2) for the investment of money; and

(3) for the administration of the fund.

SECTION _____. Section 15.001(6), Water Code, is amended to read as follows:

(6) "Project" means:

(A) any undertaking or work, including planning activities and work to obtain regulatory authority at the local, state, and federal level, to conserve, convey, and develop water resources in the state, to provide for the maintenance and enhancement of the quality of the water of the state, to provide nonstructural and structural flood control, drainage, subsidence control, recharge, chloride control, brush control, precipitation enhancement, and desalinization, to provide for the acquisition of water rights and the repair of unsafe dams, to provide for the weatherization of water and wastewater facilities, and to carry out other purposes defined by board rules;

(B) any undertaking or work outside the state to provide for the maintenance and enhancement of the quality of water by eliminating saline inflow through well pumping and deep well injection of brine; or

(C) any undertaking or work by Texas political subdivisions or institutions of higher education to conserve, convey, and develop water resources in areas outside Texas or to provide for the maintenance and enhancement of the quality of the water in areas adjoining Texas, if such undertaking or work will result in water being available for use in or for the benefit of Texas or will maintain and enhance the quality of water in Texas.

SECTION _____. Section 15.102(b), Water Code, is amended to read as follows:

(b) The loan fund may also be used by the board to provide:

(1) grants or loans for projects that include supplying water and wastewater services in economically distressed areas or nonborder colonias as provided by legislative appropriations, this chapter, and board rules, including projects involving retail distribution of those services; ~~and~~

(2) grants for:

(A) projects for which federal grant funds are placed in the loan fund;

(B) projects, on specific legislative appropriation for those projects; or

(C) water conservation, desalination, brush control, weather modification, regionalization, and projects providing regional water quality enhancement services as defined by board rule, including regional conveyance systems; and

(3) grants for emergency preparedness projects to harden and weatherize water and wastewater systems in the state, including:

(A) covering wells;

(B) purchasing reserve power supply, such as auxiliary generation and energy storage systems; and

(C) building connectivity to neighboring water suppliers.

SECTION _____. Section 15.105, Water Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (a), in passing on an application for a grant described by Section 15.102(b)(3), the board shall:

(1) consider:

(A) the expected number of individuals who will benefit from the project;

(B) existing infrastructure and overall need for the project;

(C) the potential benefit of the project to:

(i) low-income communities; and

(ii) areas in disparate parts of the state;

(D) the equitable distribution of grants throughout the state;

(E) the existence of matching federal funds for the project and whether available federal funds have been exhausted; and

(F) the total impact of the project on the state's preparedness; and

(2) consult with the Texas Division of Emergency Management.

SECTION _____. Section 15.107, Water Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding any other provision of this section, the board shall condition each grant awarded under Section 15.102(b)(3) on the grant recipient providing funds from non-state sources in a total amount at least equal to 10 percent of the grant amount, with at least five percent of the recipient's match coming from local sources.

Floor Amendment No. 1 on Third Reading

Amend **SB 3** on third reading in the SECTION of the bill adding Section 35.004, Utilities Code, by striking added Section 35.004(g) and substituting the following:

(g) The commission shall:

(1) review the type, volume, and cost of ancillary services to determine whether those services will continue to meet the needs of the electricity market in the ERCOT power region; and

(2) evaluate whether additional voluntary seasonal, month-ahead, or other forward products would enhance reliability in the ERCOT power region while providing adequate incentives for dispatchable generation.

Floor Amendment No. 2 on Third Reading

Amend **SB 3** (on third reading) on page 4 as follows:

(1) On line 1, between "WEATHER" and the period, insert "; DISASTER PREPAREDNESS EDUCATION".

(2) Between lines 8 and 9, insert the following:

(c) The division shall develop disaster preparedness educational materials that include instructions for preparing a disaster kit containing supplies most needed in a disaster or emergency, such as water, nonperishable food, medical supplies,

flashlights, and other essential items, to assist families and businesses in adequately preparing for winter storms, hurricanes, floods, drought, fires, and other potential disasters.

(d) The division shall post on the division's Internet website and distribute to local governments and businesses the educational materials and instructions developed under Subsection (c).

The amendments were read.

Senator Schwertner moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 3** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Schwertner, Chair; Hughes, Nichols, Menéndez, and Huffman.

CONFERENCE COMMITTEE ON HOUSE BILL 20

Senator Huffman called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 20** and moved that the request be granted.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **HB 20** before appointment.

There were no motions offered.

Accordingly, the President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Hughes, Hinojosa, Bettencourt, and Nelson.

CONFERENCE COMMITTEE ON HOUSE BILL 900

Senator Springer called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 900** and moved that the request be granted.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **HB 900** before appointment.

There were no motions offered.

Accordingly, the President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Springer, Chair; Hancock, Schwertner, Buckingham, and Hinojosa.

CONFERENCE COMMITTEE ON HOUSE BILL 1565

Senator Buckingham called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1565** and moved that the request be granted.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **HB 1565** before appointment.

There were no motions offered.

Accordingly, the President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Buckingham, Chair; Schwertner, Campbell, Lucio, and Paxton.

CONFERENCE COMMITTEE ON HOUSE BILL 1281

Senator Schwertner called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1281** and moved that the request be granted.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **HB 1281** before appointment.

There were no motions offered.

Accordingly, the President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Schwertner, Chair; Nichols, Huffman, Creighton, and Hancock.

CONFERENCE COMMITTEE ON HOUSE BILL 2483

Senator Hancock called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 2483** and moved that the request be granted.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **HB 2483** before appointment.

There were no motions offered.

Accordingly, the President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Hancock, Chair; Nichols, Johnson, Menéndez, and Campbell.

CONFERENCE COMMITTEE ON HOUSE BILL 2658

Senator Kolkhorst called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 2658** and moved that the request be granted.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **HB 2658** before appointment.

There were no motions offered.

Accordingly, the President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Kolkhorst, Chair; Perry, Campbell, Blanco, and Nelson.

CONFERENCE COMMITTEE ON HOUSE JOINT RESOLUTION 4

Senator Huffman called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HJR 4** and moved that the request be granted.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **HJR 4** before appointment.

There were no motions offered.

Accordingly, the President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Hughes, Hinojosa, Bettencourt, and Nelson.

VOTE RECONSIDERED ON SENATE BILL 155

On motion of Senator Perry and by unanimous consent, the vote by which the Senate concurred in the House amendment to **SB 155** was reconsidered:

SB 155, Relating to the use of information from the lists of noncitizens and nonresidents excused or disqualified from jury service.

Question: Shall the Senate concur in the House amendment to **SB 155**?

Senator Perry moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 155** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Perry, Chair; Hughes, Bettencourt, Hall, and Kolkhorst.

SENATE BILL 20 WITH HOUSE AMENDMENT (Motion In Writing)

Senator Campbell called **SB 20** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 20** (house committee report) as follows:

(1) On page 1, strike lines 16-17 and substitute the following:

Sec. 2155.1025. FIREARMS POLICY. (a) Unless possession of a handgun or other firearm or ammunition

(2) On page 1, line 19, strike "firearms policy described by Section 2155.102" and substitute "policy".

(3) On page 1, lines 21 and 23, and on page 2, lines 1 and 5, strike "handgun or handgun" and substitute "firearm or firearm".

(4) On page 2, line 8, between "a" and "policy", strike "firearms".

(5) On page 2, line 9, strike "handgun or handgun" and substitute "firearm or firearm".

(6) On page 2, line 12, strike "handgun" and substitute "a firearm or".

(7) On page 2, lines 23, 25, and 27, and on page 3, line 4, strike "handgun or handgun" and substitute "firearm or firearm".

The amendment was read.

Senator Campbell submitted a Motion In Writing that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 20** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Campbell, Chair; Hinojosa, Nelson, Huffman, and Gutierrez.

BILLS AND RESOLUTIONS SIGNED

The President Pro Tempore announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

HB 624, HB 792, HB 929, HB 1500, HB 1589, HB 1694, HB 1927, HB 2056, HB 2107, HB 2209, HB 2416, HB 2622, HB 2675, HB 2708, HB 2728, HB 3340, HB 3348, HB 3416, HB 3717, HB 3971, HB 4074, HB 4107, HB 4361, HCR 1, HCR 5, HCR 86.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 27, 2021 - 2

The Honorable President of the Senate
Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 14 Creighton Sponsor: King, Phil
Relating to the regulation by a municipality or county of certain employment benefits and policies.
(Amended)

SB 36 Zaffirini Sponsor: Turner, Chris
Relating to the offense of hazing.
(Amended)

SB 41 Zaffirini Sponsor: Leach
Relating to the consolidation and allocation of state civil court costs; increasing certain civil court costs; authorizing fees.
(Committee Substitute/Amended)

SB 68 Miles Sponsor: Reynolds
Relating to a duty for peace officers to intervene and make a report when a peace officer uses excessive force.
(Amended)

SB 111 West Sponsor: Collier
Relating to certain duties of law enforcement agencies concerning certain information subject to disclosure to a defendant.
(Committee Substitute)

SB 185 Perry Sponsor: White
Relating to the time for entering a final order in certain suits affecting the parent-child relationship involving the Department of Family and Protective Services.
(Committee Substitute)

SB 225 Paxton Sponsor: Sanford
Relating to the regulation of certain child-care facilities and family homes.
(Committee Substitute)

SB 248 Johnson Sponsor: Thierry
Relating to the sale of cigarettes, tobacco products, and e-cigarettes; requiring occupational permits; imposing fees; providing civil and administrative penalties; creating criminal offenses.
(Committee Substitute/Amended)

SB 279 Hinojosa Sponsor: Bucy
Relating to the inclusion of suicide prevention information on certain student identification cards issued by a public school or public institution of higher education.
(Committee Substitute)

SB 321 Huffman Sponsor: Bonnen
Relating to contributions to, benefits from, and the administration of the Employees Retirement System of Texas.

(Amended)

SB 437 Blanco Sponsor: Turner, John
Relating to personal protective equipment management and the establishment of a personal protective equipment advisory committee.
(Committee Substitute/Amended)

SB 452 West Sponsor: Rose
Relating to prevention and early intervention programs and practices.
(Committee Substitute)

SB 462 Lucio Sponsor: Allen
Relating to funding under the transportation allotment for transporting meals and instructional materials to students during a declared disaster.
(Amended)

SB 500 Miles Sponsor: Rose
Relating to creating the criminal offense of operating a boarding home facility without a permit in certain counties and municipalities.
(Amended)

SB 504 Miles Sponsor: Coleman
Relating to authority of certain county fire marshals to inspect group homes; authorizing a fee; creating a criminal offense.
(Committee Substitute)

SB 799 Nelson Sponsor: Paddie
Relating to contracting procedures and requirements for governmental entities.
(Committee Substitute/Amended)

SB 855 Hughes Sponsor: Hunter
Relating to the electronic dissemination of commercial recordings or audiovisual works.
(Committee Substitute)

SB 1065 Alvarado Sponsor: Bernal
Relating to coverage for diagnostic imaging for breast cancer under certain health benefit plans.
(Committee Substitute)

SB 1071 Hinojosa Sponsor: Anchia
Relating to disability retirement benefits for certain peace officers under the Employees Retirement System of Texas.
(Committee Substitute)

SB 1109 West Sponsor: Anchia
Relating to requiring public schools to provide instruction and materials and adopt policies relating to the prevention of child abuse, family violence, and dating violence.
(Amended)

SB 1123 Perry Sponsor: Krause
Relating to the issuance of and contracts for certain services related to certain specialty license plates.
(Committee Substitute)

SB 1232 Taylor Sponsor: Bonnen

Relating to the management and investment of the permanent school fund, including authorizing the creation of the Texas Permanent School Fund Corporation to manage and invest the fund and limiting the authority of the School Land Board to manage and invest the fund if the corporation is created.

(Amended)

SB 1267

West

Sponsor: Lozano

Relating to continuing education and training requirements for educators and other school district personnel.

(Committee Substitute/Amended)

SB 1281

Hancock

Sponsor: King, Phil

Relating to a reliability assessment of the ERCOT power grid and certificates of public convenience and necessity for certain transmission projects.

(Committee Substitute/Amended)

SB 1351

Miles

Sponsor: Allen

Relating to the donation of food by public school campuses.

(Amended)

SB 1365

Bettencourt

Sponsor: Huberty

Relating to public school organization, accountability, and fiscal management.

(Amended)

SB 1397

Hinojosa

Sponsor: Guerra

Relating to regional protocols and processes for patient transfers and related services within the geographic area served by certain trauma service area regional advisory councils.

(Committee Substitute)

SB 1458

Zaffirini

Sponsor: Neave

Relating to standardized forms and materials for the issuance of protective orders, magistrate's orders for emergency protection, and temporary ex parte orders.

(Committee Substitute)

SB 1696

Paxton

Sponsor: Wilson

Relating to establishing a system for the sharing of information regarding cyber attacks or other cybersecurity incidents occurring in schools in this state.

(Committee Substitute)

SB 1704

Blanco

Sponsor: Moody

Relating to the designation of the portion of United States Highway 54 in El Paso County as the Korean War Veterans Memorial Highway.

(Amended)

SB 1716

Taylor

Sponsor: Bonnen

Relating to a supplemental special education services and instructional materials program for certain public school students receiving special education services.

(Amended)

SB 1772

Zaffirini

Sponsor: Zwiener

Relating to the establishment of the Texas Pollinator-Smart program for solar energy sites.

(Committee Substitute)

SB 1856

Powell

Sponsor: Klick

Relating to certain vocational nursing students providing services during a declared state of disaster.

(Committee Substitute)

SB 1921

Lucio

Sponsor: Guillen

Relating to Medicaid reimbursement for the provision of certain behavioral health and physical health services.

(Amended)

SB 1936

Hughes

Sponsor: Cook

Relating to the beginning and ending possession times in certain standard possession orders in a suit affecting the parent-child relationship.

(Amended)

SB 1990

Miles

Sponsor: Thierry

Relating to the powers of certain freight rail districts.

(Committee Substitute)

SB 1997

Springer

Sponsor: Rogers

Relating to the control of diseases of swine.

(Committee Substitute)

SB 2050

Menéndez

Sponsor: Allison

Relating to bullying and cyberbullying in public schools.

(Committee Substitute)

SB 2181

West

Sponsor: Button

Relating to the use of hotel occupancy tax revenue by certain municipalities for certain projects.

(Committee Substitute)

SB 2185

Hinojosa

Sponsor: Canales

Relating to procedures for the dissolution of the Hidalgo County Water Improvement District No. 3.

(Amended)

SB 2230

Schwertner

Sponsor: Capriglione

Relating to the acquisition of real property or construction of buildings for the purpose of operating the Texas Bullion Depository.

(Committee Substitute)

SB 2233

Menéndez

Sponsor: Howard

Relating to the completion of sexual harassment prevention training and ethics training to register as a lobbyist.

(Amended)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGE FROM THE HOUSE**HOUSE CHAMBER**

Austin, Texas

Thursday, May 27, 2021 - 3

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 113 West Sponsor: Rodriguez
Relating to community land trusts.

SB 123 Johnson Sponsor: Turner, John
Relating to instruction in positive character traits and personal skills in public schools.

SB 149 Powell Sponsor: Goldman
Relating to the prosecution of the offense of operation of an unmanned aircraft over certain facilities.

SB 168 Blanco Sponsor: Ordaz Perez
Relating to emergency school drills and exercises conducted by public schools.

SB 198 Nelson Sponsor: White
Relating to the demonstration of weapons proficiency by qualified retired law enforcement officers.

SB 226 Paxton Sponsor: Lozano
Relating to instruction in educator training programs regarding digital learning, virtual learning, and virtual instruction.

SB 239 Powell Sponsor: Collier
Relating to the provision of educational materials regarding disease prevention during a disaster.

SB 289 Seliger Sponsor: VanDeaver
Relating to excused absences from public school for certain students to obtain a driver's license or learner license.

SB 318 Huffman Sponsor: Turner, Chris
Relating to the records of certain condominium unit owners' associations.

SB 334 Johnson Sponsor: Goodwin
Relating to disclosure under the public information law of certain records of an appraisal district.

SB 415 Hancock Sponsor: Holland
Relating to use of electric energy storage facilities in the ERCOT power region.

SB 456 Lucio Sponsor: Leach
Relating to the donation of juror reimbursements.

SB 464 Lucio Sponsor: Lopez

Relating to reports on deaths from reportable and other communicable diseases to county health authorities and health departments.

SB 576 Hinojosa Sponsor: Lozano
Relating to the prosecution and punishment of the offense of smuggling of persons.

SB 615 Zaffirini Sponsor: Leach
Relating to probate and guardianship matters and proceedings and other matters involving probate courts.

SB 640 Menéndez Sponsor: Cortez
Relating to a study on the interoperability needs and technology readiness of behavioral health service providers in this state.

SB 746 Miles Sponsor: Dutton
Relating to requiring the parent of a student enrolled in a school district to provide and update a parent's contact information.

SB 841 Hughes Sponsor: Schaefer
Relating to the availability of personal information of individuals who are honorably retired from certain law enforcement positions.

SB 1019 Zaffirini Sponsor: Turner, John
Relating to a requirement for the Texas Higher Education Coordinating Board to report certain student loan data.

SB 1059 Paxton Sponsor: Klick
Relating to the process for determining the Medicaid eligibility of certain former foster care youth.

SB 1061 Zaffirini Sponsor: Klick
Relating to background and criminal history checks for operators and employees of certain child-care facilities.

SB 1063 Alvarado Sponsor: King, Ken
Relating to courses in personal financial literacy & economics for high school students in public schools.

SB 1090 Buckingham Sponsor: Murr
Relating to certain regulations adopted by governmental entities regarding land use restrictions and building products, materials, or methods used in the construction or renovation of residential or commercial buildings.

SB 1095 Creighton Sponsor: Dutton
Relating to notice regarding the availability to public school students of college credit and work-based education programs and subsidies for fees paid to take certain advanced placement tests.

SB 1103 Seliger Sponsor: Turner, John
Relating to the regulation of nurse aides; requiring an occupational registration.

SB 1125 Perry Sponsor: Collier
Relating to the disposition of certain controlled substance property and plants seized by or forfeited to a law enforcement agency.

- SB 1155** Nelson Sponsor: King, Ken
Relating to the eligibility of certain events for funding under the Major Events Reimbursement Program.
- SB 1167** Campbell Sponsor: King, Tracy O.
Relating to boundaries of the Anthem Municipal Utility District; affecting the authority to issue bonds.
- SB 1191** Seliger Sponsor: VanDeaver
Relating to the definition of a school resource officer.
- SB 1208** Hall Sponsor: Slaton
Relating to the designation of a portion of State Highway 276 in Hunt and Rains Counties as the Staff Sergeant Shawn Henry McNabb Memorial Bridge.
- SB 1227** Taylor Sponsor: Metcalf
Relating to the granting of undergraduate course credit at public institutions of higher education for certain scores on examinations administered through the College-Level Examination Program.
- SB 1244** Perry Sponsor: Oliverson
Relating to the award of health plan provider contracts under Medicaid managed care.
- SB 1296** Johnson Sponsor: Oliverson
Relating to the authority of the commissioner of insurance to review rates and rate changes for certain health benefit plans.
- SB 1336** Hancock Sponsor: Bonnen
Relating to a limit on the rate of growth of certain appropriations.
- SB 1353** Miles Sponsor: Guerra
Relating to the content of certain immunization records and of certain biennial legislative reports on immunizations issued by the Department of State Health Services.
- SB 1357** Hughes Sponsor: Dean
Relating to deadlines associated with proposing and adopting a budget for certain counties.
- SB 1465** Hinojosa Sponsor: Guillen
Relating to operation of the Texas small and rural community success fund program administered by the Texas Economic Development Bank as successor to the Texas leverage fund program and to creation of the micro-business disaster recovery loan guarantee program.
- SB 1541** Zaffirini Sponsor: Raymond
Relating to the definition of business case for major information resources projects.
- SB 1761** Zaffirini Sponsor: Swanson
Relating to the filing of certain reports of political contributions and expenditures.
- SB 1808** Kolkhorst Sponsor: Coleman
Relating to the regulation of providers of certain Medicaid services to persons with an intellectual or developmental disability.

- SB 1854** Powell Sponsor: Schofield
Relating to an appeal through binding arbitration of an appraisal review board order determining a protest concerning a residence homestead for which the property owner has elected to defer the collection of ad valorem taxes.
- SB 1888** Creighton Sponsor: Parker
Relating to the establishment of certain programs to facilitate early high school graduation and enrollment at public institutions of higher education and to the repeal of the Early High School Graduation Scholarship program.
- SB 1917** Lucio Sponsor: Meza
Relating to a public outreach campaign for aging adults with visual impairments.
- SB 1919** Lucio Sponsor: Schofield
Relating to the authority of a property owner to participate by videoconference at a protest hearing by certain appraisal review boards.
- SB 1923** Zaffirini Sponsor: Leach
Relating to certain criminal court costs, fines, and fees.
- SB 1941** Gutierrez Sponsor: Zwiener
Relating to a strategic plan to address hyperemesis gravidarum.
- SB 1949** Hancock Sponsor: Meza
Relating to qualifications for the directors of the Dallas County Flood Control District No. 1.
- SB 1984** Lucio Sponsor: Anchia
Relating to the reassignment of the carryforward designation of certain private activity bonds.
- SB 2013** Hinojosa Sponsor: Allison
Relating to a study on administrative penalties assessed against a substance use disorder service provider and to requiring the Health and Human Services Commission to provide administrative penalty schedules on the commission's Internet website.
- SB 2016** Johnson Sponsor: Paul
Relating to the applicability of certain provisions mandating the provision by certain health benefit plans of health benefits requiring cost defrayal by this state.
- SB 2066** Menéndez Sponsor: Dutton
Relating to emergent bilingual students in public schools.
- SB 2081** Menéndez Sponsor: Talarico
Relating to class size limits for prekindergarten classes provided by or on behalf of public schools.
- SB 2166** Miles Sponsor: Allen
Relating to the creation of the Harris County Municipal Utility District No. 580; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- SB 2193** Buckingham Sponsor: King, Tracy O.

Relating to the creation of the Matthews Ranch Water Control and Improvement District No. 1 of Blanco County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

SB 2222

Nelson

Sponsor: White

Relating to certain equipment provided for use by the officers of the Texas Highway Patrol.

SB 2243

Hinojosa

Sponsor: Canales

Relating to approval for certain projects related to bridges over the Rio Grande.

SCR 21

Schwertner

Sponsor: Leman

Designating March 10 as Histotechnology Professionals Day for a 10-year period beginning in 2021.

SCR 22

Campbell

Sponsor: Zwiener

Designating Kyle as the official Pie Capital of Texas for a 10-year period beginning in 2021.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 27, 2021 - 4

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SCR 52

Hinojosa

Sponsor: Canales

In memory of former Texas Representative Sergio Muñoz Sr.

SCR 53

Hughes

Sponsor: Dean

In memory of Andrew George Khoury of Longview.

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 1560

House Conferees: Goldman - Chair/Canales/Cyrier/Paddie/Thompson, Senfronia

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 713

SB 2154

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 3531

Pursuant to a sustained point of order due to non-germane amendments, the house returns HB 3531 to the senate for further consideration.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 288**

Senator Seliger submitted the following Conference Committee Report:

Austin, Texas
May 26, 2021

Honorable Dan Patrick
President of the Senate

Honorable Dade Phelan
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 288** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

SELIGER
TAYLOR
LUCIO
NICHOLS
PERRY

On the part of the Senate

WU
ANCHIA
ALLEN
DEAN
SPILLER

On the part of the House

**A BILL TO BE ENTITLED
AN ACT**

relating to preventing the loss of benefits of and the payment of certain employer contributions for certain retirees of the Teacher Retirement System of Texas who resume service.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 824.601, Government Code, is amended by amending Subsection (b) and adding Subsection (b-3) to read as follows:

(b) Except as provided by Subsection (b-1) or Section 824.602 and subject to Subsection (b-2) and, if applicable, Subsection (b-3), a retiree is not entitled to service or disability retirement benefit payments, as applicable, for any month in which the retiree is employed in any position by a Texas public educational institution.

(b-3) A retiree under Section 824.202 is subject to Subsection (b) only if the retirement system first issues the following notices to the retiree:

(1) with respect to the first occurrence of the retiree's employment that does not qualify for an exception under Section 824.602, the system issued a written warning notifying the retiree of that fact; and

(2) in a month following the month in which the system issued the warning described by Subdivision (1) and with respect to a subsequent occurrence of the retiree's continued employment that does not qualify for an exception under Section 824.602, the system issued a written notice:

(A) warning the retiree of the fact described by this subdivision; and

(B) requiring the retiree to pay to the system, in a form and manner prescribed by the system, an amount, as elected by the retiree, that equals the total sum the retiree:

(i) earned for all employment by Texas public educational institutions for each month occurring after the issuance of the warning under Subdivision (1) for which the retiree did not qualify for an exception under Section 824.602 and before the month the system issued the written notice described by this subdivision; or

(ii) received in retirement benefit payments for each month occurring after the issuance of the warning under Subdivision (1) for which the retiree did not qualify for an exception under Section 824.602 and before the month the system issued the written notice described by this subdivision.

SECTION 2. Subchapter G, Chapter 824, Government Code, is amended by adding Section 824.6021 to read as follows:

Sec. 824.6021. TEMPORARY EXCEPTION TO MITIGATE LEARNING LOSS ATTRIBUTABLE TO COVID-19 PANDEMIC. (a) Subject to Section 825.506, the retirement system may not, under Section 824.601, withhold a monthly benefit payment if the retiree is employed in a Texas public educational institution, other than an institution of higher education, in a position performing duties related to the mitigation of student learning loss attributable to the coronavirus disease (COVID-19) pandemic, if the position:

(1) is in addition to the normal staffing level at the Texas public educational institution;

(2) is funded wholly by federal funds provided under federal law enacted for the purpose of providing relief related to the coronavirus disease (COVID-19) pandemic, including the Coronavirus Aid, Relief, and Economic Security (CARES) Act (15 U.S.C. Section 9001 et seq.), Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260), or American Rescue Plan Act of 2021 (Pub. L. No. 117-2); and

(3) ends on or before December 31, 2024.

(b) The exception provided by this section:

(1) is in addition to the exceptions otherwise provided by Sections 824.601 and 824.602; and

(2) does not apply to disability retirees.

(c) This section expires February 1, 2025.

SECTION 3. Section 825.308, Government Code, is amended to read as follows:

Sec. 825.308. STATE CONTRIBUTION ACCOUNT. The retirement system shall deposit in the state contribution account:

(1) all state contributions to the retirement system required by Section 825.404;

(2) amounts from the interest account as provided by Section 825.313(b)(2);

(3) retirement annuities waived or forfeited in accordance with Section 824.601 or 824.004;

(3-a) retiree earnings described by Section 824.601(b-3)(2)(B)(i) that have been paid to the system;

(4) fees collected under Section 825.403(h);

(5) fees and interest for reinstatement of service credit or establishment of membership service credit as provided by Section 823.501;

(6) the portion of a deposit required by Section 823.302 to establish military service credit that represents a fee; and

(7) employer contributions required under Section 825.4092.

SECTION 4. Section 825.4092, Government Code, is amended by adding Subsection (f) to read as follows:

(f) Notwithstanding any other provision of this section, the amounts required to be paid under Subsections (b) and (c) are not required to be paid by a reporting employer for a retiree who retired from the retirement system on or after September 1, 2005, and is employed in a position described by Section 824.6021(a). This subsection expires February 1, 2025.

SECTION 5. Section 824.601, Government Code, as amended by this Act, applies only to the employment of a retiree of the Teacher Retirement System of Texas on or after the effective date of this Act.

SECTION 6. As soon as practicable after the effective date of this Act, the Teacher Retirement System of Texas shall adopt rules as necessary to implement Section 824.601, Government Code, as amended by this Act.

SECTION 7. Section 825.4092, Government Code, as amended by this Act, applies beginning with the 2021-2022 school year.

SECTION 8. This Act takes effect September 1, 2021.

The Conference Committee Report on **SB 288** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 601

Senator Perry submitted the following Conference Committee Report:

Austin, Texas
May 26, 2021

Honorable Dan Patrick
President of the Senate

Honorable Dade Phelan
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 601** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

PERRY
SPRINGER
KOLKHORST
GUTIERREZ
TAYLOR
On the part of the Senate

BURROWS
GOLDMAN
CAIN
STEPHENSON
MOODY
On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the creation and activities of the Texas Produced Water Consortium.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 109, Education Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. TEXAS PRODUCED WATER CONSORTIUM

Sec. 109.201. DEFINITIONS. In this subchapter:

(1) "Agency advisory council" means the agency advisory council created under Section 109.202.

(2) "Consortium" means the Texas Produced Water Consortium.

(3) "Fluid oil and gas waste" has the meaning assigned by Section 122.001, Natural Resources Code.

(4) "Host university" means Texas Tech University.

(5) "Private entity" means an individual, corporation, or nonprofit corporation.

(6) "Stakeholder advisory council" means the stakeholder advisory council created under Section 109.202.

(7) "Technical and economic steering committee" means the technical and economic steering committee created under Section 109.202.

Sec. 109.202. TEXAS PRODUCED WATER CONSORTIUM. The Texas Produced Water Consortium is a consortium consisting of the host university, the agency advisory council, the stakeholder advisory council, the technical and economic steering committee, and private entities. The consortium is created to bring together information resources to study the economics of and technology related to, and the environmental and public health considerations for, beneficial uses of fluid oil and gas waste.

Sec. 109.203. ADMINISTRATION. (a) The agency advisory council is composed of representatives of the:

(1) Department of Agriculture;

- (2) General Land Office;
- (3) Parks and Wildlife Department;
- (4) Railroad Commission of Texas;
- (5) State Energy Conservation Office;
- (6) Texas Commission on Environmental Quality;
- (7) Texas Economic Development and Tourism Office within the office of

the governor; and

- (8) Texas Water Development Board.

(b) Each entity described by Subsection (a) shall select a representative to serve on the agency advisory council.

(c) The agency advisory council shall meet as often as necessary to ensure the consortium meets the requirements of this subchapter.

(d) The agency advisory council shall advise the consortium on matters related to the subject matter expertise of the agencies represented, including matters related to the regulation and permitting of and treatment standards for fluid oil and gas waste. Treatment standards may include a fit for purpose requirement and regulations necessary for the protection of public health and the environment.

(e) The stakeholder advisory council is composed of representatives of:

- (1) the oil and gas industry;
- (2) agricultural water users;
- (3) industrial water users;
- (4) environmental interests;
- (5) fluid oil and gas waste recycling operators;
- (6) public water utilities;
- (7) landowners or owners of groundwater rights;
- (8) commercial water recyclers and midstream water companies; and
- (9) other appropriate interests or industries.

(f) The host university shall appoint members to the stakeholder advisory council from members of the consortium. If no member of the consortium represents an interest or industry described by Subsection (e), the host university may appoint a person to represent the interest or industry from outside the consortium.

(g) The stakeholder advisory council shall advise the consortium on matters related to research, investigation, and contract development.

(h) The technical and economic steering committee is composed of members appointed by the host university to provide technical, economic, and scientific expertise. The technical and economic steering committee shall determine the feasibility of proposals for research or investigation by the consortium and decide which proposals the consortium will accept for research or investigation.

Sec. 109.204. DUTIES. (a) The consortium shall study the economic, environmental, and public health considerations of beneficial uses of fluid oil and gas waste and technology needed for those uses. After October 1, 2022:

(1) the research and investigation goals of the consortium shall be directed by the members of the consortium; and

(2) the host university may disband the consortium if the host university determines that the consortium does not have sufficient membership.

(a-1) This subsection expires October 1, 2022. Not later than September 1, 2022, the consortium shall produce a report that includes:

(1) suggested changes to laws and administrative rules to better enable beneficial uses of fluid oil and gas waste, including specific changes designed to find and define beneficial uses for fluid oil and gas waste outside of the oil and gas industry;

(2) suggested guidance for establishing fluid oil and gas waste permitting and testing standards;

(3) a technologically and economically feasible pilot project for state participation in a facility designed and operated to recycle fluid oil and gas waste; and

(4) an economic model for using fluid oil and gas waste in a way that is economical and efficient and that protects public health and the environment.

(b) The host university shall:

(1) provide staff and other resources necessary for the consortium to meet the requirements of this subchapter;

(2) consult with the New Mexico Produced Water Research Consortium and that consortium's Government Advisory Board on research, data, and any other matter related to the consortium; and

(3) solicit participation from:

(A) the oil and gas industry;

(B) agricultural water users;

(C) industrial water users;

(D) environmental interests;

(E) fluid oil and gas waste recycling operators;

(F) commercial water recyclers and midstream water companies;

(G) landowners;

(H) owners of groundwater rights;

(I) public water utilities; and

(J) river authorities subject to Section 325.025, Government Code.

(c) The host university shall coordinate with other members of the state university system and state agencies to provide resources necessary for the consortium to meet the requirements of this subchapter.

Sec. 109.205. FUNDING. (a) The agency advisory council and the host university shall collaborate to create a fee structure that establishes membership costs at various levels for private entities that may contribute money to the consortium for research and investigation. Membership costs may include contributions of equipment or other resources in lieu of money.

(b) Money paid by private entities as membership costs may be used only for research and investigation conducted by the consortium.

(c) Except for state money appropriated to the host university for use in meeting the requirements of Section 109.204(a-1) and resources provided by the host university and other state university system entities or state agencies, the consortium may not receive state money.

(d) The consortium may accept gifts and grants of money, equipment, or other resources necessary to accomplish its duties under this subchapter.

Sec. 109.206. ACCESS TO DATA. (a) In exchange for membership in the consortium, a private entity may receive access to data produced as a result of investigation by the consortium in an amount proportionate to the entity's level of membership.

(b) A private entity's access to the consortium's investigation data must be governed by a membership contract between the host university and the entity that describes the data to be released to the private entity.

(c) The consortium shall make information about the work of the consortium available to the public on an Internet website maintained by the host university. Information made available under this subsection may not be privileged, proprietary, or confidential.

SECTION 2. (a) Not later than October 1, 2021, each state agency described by Section 109.203(a), Education Code, as added by this Act, shall select a representative to serve on the agency advisory council of the Texas Produced Water Consortium, as required by Section 109.203(b), Education Code, as added by this Act.

(b) Not later than September 1, 2022, the Texas Produced Water Consortium shall deliver the report required by Section 109.204(a-1), Education Code, as added by this Act.

(c) Not later than September 1, 2022, the Texas Produced Water Consortium shall create a pilot project required by Section 109.204(a-1)(3), Education Code, as added by this Act.

SECTION 3. The Texas Produced Water Consortium, as created by Subchapter E, Chapter 109, Education Code, as added by this Act, is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the consortium may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

The Conference Committee Report on **SB 601** was filed with the Secretary of the Senate.

MOTION TO RECESS

On motion of Senator Whitmire and by unanimous consent, the Senate at 6:04 p.m. agreed to recess, pending the receipt of House Messages, until 11:00 a.m. Friday, May 28, 2021.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 27, 2021 - 5

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 202 Schwertner Sponsor: Anchia
 Relating to the payment of certain employer contributions for employed retirees of the Teacher Retirement System of Texas.

SB 483 Schwertner Sponsor: Parker
Relating to a biennial report on the investment returns of the Employees Retirement System of Texas and the Teacher Retirement System of Texas.

SB 507 Nichols Sponsor: Anderson
Relating to an accommodation process authorizing the use of state highway rights-of-way by broadband-only providers.

SB 604 Bettencourt Sponsor: Capriglione
 Relating to bonds issued by and the dissolution of municipal management districts.
 (Amended)

SB 910 Schwertner Sponsor: Frank
Relating to a study of options for implementing family preservation services, the provision of certain other health and human services by certain state agency contractors, and the repeal of a prior pilot program for family-based safety services.
(Committee Substitute)

SB 984 Schwertner Sponsor: Klick
Relating to public health disaster and public health emergency preparedness and response, including the operation of the Task Force on Infectious Disease Preparedness and Response.
(Committee Substitute)

SB 1418 Schwertner Sponsor: Wilson
Relating to the compensation of the presiding judge of an early ballot voting board.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

CO-SPONSORS OF HOUSE BILL 133

On motion of Senator Kolkhorst, Senators Buckingham, Huffman, Lucio, Menéndez, Nelson, Seliger, Whitmire, and Zaffirini will be shown as Co-sponsors of **HB 133**.

CO-SPONSORS OF HOUSE BILL 4509

On motion of Senator Taylor, Senators Buckingham, Kolkhorst, Paxton, and Springer will be shown as Co-sponsors of **HB 4509**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 501 by Eckhardt, In memory of Pinckney Clift Price.

SR 502 by Eckhardt, In memory of Alan Russell Erwin.

SR 504 by Gutierrez, In memory of Jerry J. Beauchamp.

SR 509 by Lucio, In memory of Odilia Gallegos "Odie" Gonzales.

Congratulatory Resolutions

SR 496 by Creighton, Recognizing Gail Hoy on the occasion of her retirement.

SR 497 by Schwertner, Recognizing the Brazos Valley Veterans of Foreign Wars Post 4692 Annual Cookoff.

SR 498 by Hughes, Recognizing the Kilgore Area Chamber of Commerce & Visitors Bureau on the occasion of its 90th anniversary.

SR 499 by Eckhardt, Recognizing Gregory Harrington for being named Parent Advocate of the Year.

SR 503 by Eckhardt, Recognizing Judy Moore for being named Teacher Advocate of the Year.

SR 506 by Birdwell, Recognizing John E. Neill for his service on the Tenth Court of Appeals.

SR 508 by Lucio, Recognizing Ernest L. Williams on his 25-year career as a Texas educator.

SR 510 by Lucio, Recognizing Oscar Guajardo on the occasion of his retirement.

SR 511 by Lucio, Recognizing Carlos H. Cisneros Lucio on the occasion of his graduation.

SR 512 by Lucio, Recognizing the Community Historical Archaeology Project with Schools for receiving the Governor's Award for Historic Preservation.

SR 514 by Campbell, Gutierrez, Menéndez, and Zaffirini, Recognizing Endeavors for its service to people in crisis.

RECESS

On motion of Senator Whitmire, the Senate at 8:00 p.m. recessed until 11:00 a.m. tomorrow.

APPENDIX

RESOLUTIONS ENROLLED

May 26, 2021

SR 154, SR 410, SR 458, SR 465, SR 467, SR 469, SR 491, SR 492, SR 493, SR 494, SR 495

SENT TO GOVERNOR

May 27, 2021

SB 4, SB 62, SB 109, SB 335, SB 403, SB 484, SB 678, SB 741, SB 783, SB 793, SB 797, SB 907, SB 938, SB 957, SB 1111, SB 1179, SB 1341, SB 1387, SB 1427, SB 1582, SB 1602, SB 1697, SB 1764, SB 1780, SB 2158, SCR 29

